

EUROPE AND EURASIA

ALBANIA

Albania is a republic with a multiparty parliament, a Prime Minister, and a President, elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party (SP) and its allies won 87 of 140 parliamentary seats in general elections held from June through August 2001 that were conducted in a peaceful atmosphere. The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) judged the elections to have improved over past elections in terms of the conduct of the campaign; however, ODIHR noted serious irregularities in the voting process.

Local police units that report to the Ministry of Public Order are responsible principally for internal security. The military has a special 120-man "commando" unit, which operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. The National Intelligence Service is responsible for both internal and external intelligence gathering and counterintelligence. A serious problem affecting public order and internal security was the fact that police officers largely were untrained, ill paid, and often unreliable. The international community continued to provide training, advice, and equipment to improve the quality of the police forces; however, unprofessional behavior and corruption remained a major impediment to the development of an effective, civilian police force. The police committed human rights abuses.

The country is in transition from central economic planning to a free market system; many questions related to privatization, property ownership claims, and the appropriate regulation of business remained unresolved. The country continued to experience slow but stable economic progress; however, approximately 30 percent of the population of approximately 3.2 million lived below the poverty line, with poverty greater in rural areas. The official unemployment rate was 16 percent. With two-thirds of all workers employed in agriculture, mostly at the subsistence level, remittances from citizens working abroad remained extremely important, as did foreign assistance. The agricultural sector accounted for 34 percent of gross domestic product, with industry and services contributing 13 and 32 percent, respectively.

The Government's human rights record remained poor in many areas; although there were some improvements in a few areas, serious problems remain. Police beat and otherwise abused suspects, detainees, and prisoners. Prison conditions remained poor. The police arbitrarily arrested and detained persons, and prolonged pretrial detention was a problem. The judiciary was inefficient, subject to corruption, and executive pressure on the judiciary remained a serious problem. The Government occasionally infringed on citizens' privacy rights. Political interference in the media remained a problem. On at least one occasion, a government official was linked to a threat against a journalist. There were a few limits on the right to freedom of assembly. Violence and discrimination against women and child abuse were serious problems. Vigilante action, mostly related to traditional blood feuds, resulted in many killings. Societal discrimination against religious and ethnic minorities, particularly against Roma and Egyptians, persisted. Child labor was a problem. Trafficking in persons, particularly of women and children, remained a serious problem. Albania was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed cases of political killings by the Government or its agents. The Government conducted no further investigation into the March 2001 death in police custody of opposition Democratic Party (DP) supporter Gjon Gjonaj. Government medical and legal experts ruled Gjonaj's death a suicide, but his family members and the DP did not accept this explanation. Three police officials were dismissed in 2001 in connection with the case.

There was no further action taken to investigate the 2000 killing of a DP activist in Vlora following a party rally. The Government completed its investigation into the 1998 murder of DP leader Azem Hajdari; four suspects were convicted and given sentences ranging from 2 ½ years to life in prison.

Explosions of landmines, placed by the former Yugoslav Army against the Kosovo Liberation Army in 1998 and 1999, injured three individuals.

The country continued to experience high levels of violent crime. Many killings continued to occur throughout the country as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts (*see* Section 5). According to the Ministry of Public Order, more than 29 individuals were killed in blood feuds, which are based on the medieval Code of Lek Dukagjini (the *kanun*), which was practiced by individuals particularly in the northern part of the country. Under the *kanun*, only adult males are acceptable targets for blood feuds, but women and children often were killed or injured in the attacks. The Albanian Human Rights Group (AHRG) estimated that 1,400 families were self-imprisoned at home and that 140 to 400 children were prevented from attending school due to fear of revenge.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such actions, and the Penal Code makes the use of torture a crime punishable by up to 20 years' imprisonment; however, the police at times beat and tortured suspects. The three main human rights groups—the Albanian Helsinki Committee (AHC), the AHRG, and the Albanian Center for Human Rights (ACHR)—continued to report that police forces nationwide used torture and inhumane or excessive treatment, but all three reported that the number of cases decreased during the year. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Police physically abused minors in detention.

In February Alnor Hasa, Chief of Criminal Police in Vlora, detained and beat Sabaudin Cela. In March Hasa again took Cela into custody; Hasa and five other police then beat Cela with pistol butts and batons. The police suspended Hasa from duty and arrested him after complaints on Cela's behalf from the AHRG and the AHC. The police dismissed Hasa and held him in pre-trial detention for several months. At year's end, Hasa reportedly was under house arrest awaiting trial.

In April Ylli Myrto and his fellow Fier policemen beat Feti Kanani in the town bazaar with fists and batons after stopping him to check his documents. Fier police referred the case to the prosecutor's office, and Myrto was fined \$750 (100,000 lek) by the district court for "arbitrary actions."

Amnesty International (AI) reported that three brothers in Lezha—Dede, Zef and Gjoke Pergjini—alleged that police arrested and beat them in April in reprisal for a dispute with the officers. The People's Advocate concluded that the brothers had been mistreated. In May the district prosecutor of Lezha referred the case against the police to the military prosecutor of Shkodra, where the case was pending at year's end.

In July the Chief of Criminal Police in Kavaja and a group of his policemen beat a group of youth during an altercation, reportedly dragging and kicking them, leaving one boy bleeding and unconscious. The Chief of Criminal Police was suspended from duty but later reinstated.

In July Rrapo Xhavara, the police officer accused of beating an 11-year-old orphan in custody in Saranda in June 2001, was found guilty of abuse of duty and received a 1 ½ year suspended sentence.

In October Azgan Haklaj, local head of the DP Branch in Tropoja, filed charges against four Special Forces police officers he accused of assaulting him during his January 2001 arrest. Although the People's Advocate and several human rights groups confirmed that Haklaj had been assaulted by the police, the General Prosecutor's investigation reportedly was stalled by the law protecting the identity of undercover policemen.

No action was taken against members of the Republican Guard, responsible for protecting senior public officials and institutions, accused of physically assaulting two homosexuals in April 2001.

The prosecution of Col. Edmond Koseni, the Director of Police of Elbasan District, who was dismissed and arrested in December 2001 for human rights abuses, remained pending at year's end.

Police officers often were involved in cases of trafficking in persons (see Section 6.f.).

Most of the country's 13,000-member police force remained largely untrained despite assistance received from foreign governments. Foreign governments continued police training programs aimed at improving technical expertise, operational procedures, and respect for human rights, and 462 police officers, Judicial Police Officers, and prosecutors received such training during the year. The Albanian National Police's Office of Internal Control received authority to review all police appointments and pursued investigations leading to the conviction of 16 police officials and the dismissal of 172 for various degrees of misconduct. However, the overall performance of law enforcement remained weak. The ACHR was particularly active in providing seminars and publishing texts to educate the police about the importance of respecting human rights. In addition to such training, the Ministry of Public Order updated the Police Academy's curriculum and trained 113 new officer candidates (17 females, 96 males) during the year.

Prison conditions remained poor, and overcrowding remained a serious problem. Lack of space in prisons led to the detention of convicted criminals in pretrial detention centers rather than prisons, causing substandard conditions for prisoners and significant security problems for the police forces. For example, the AHC cited an April case of a prisoner convicted of serious crimes escaping from a pretrial detention site. In police detention centers, women sometimes were held with men; however, women were not held with men in prisons. According to the Ministry of Public Order, at year's end, 272 convicted prisoners were being held in police pretrial detention sites rather than serving their terms in prisons. Additional convicted prisoners were among the 325 persons held in pretrial detention conditions by the Ministry of Justice.

Approximately 5,000 Albanian prisoners, including some juveniles, also were held in foreign prisons, primarily in Greece and Italy, due to overcrowding. The education of these young Albanian prisoners remained a problem: For instance, there were no classes offered to these juveniles in Greek prisons.

The country has no juvenile justice system, and children's cases frequently were presented to judges who had not received any education in juvenile justice. The ministries of Justice and Public Order reported that 14 children were serving sentences in Vaqarr prison, the only prison for juveniles in the country, and 93 were in pretrial detention centers. Several NGOs noted that in various police pretrial detention facilities minors often were kept in the same cells as adults and that sanitary conditions generally were poor.

The Government made progress in addressing prison problems such as poor facilities and overcrowding. The Government, with international assistance, financed many improvements, including the ongoing construction of a 700-inmate prison in Peqin expected to open in 2003. The Government also opened prisons in Rrogzhdina and Kruja and was constructing another in Lezha.

The Government permitted visits by international human rights observers; there were no reports of refusals to permit access for prison inspections by domestic independent human rights monitors. The Government cooperated with the International Committee of the Red Cross and with other NGOs.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the police arbitrarily arrested and detained persons.

The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention, a suspect must appear before a judge in the presence of the prosecutor and the suspect's lawyer. The judge has an additional 48 hours to determine whether the suspect may continue to be detained. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not widely known and police often fail to inform suspects of it. Access to legal information remained difficult for citizens, including legal professionals and, at times, judges.

There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. In some cases, the detainees had been interrogated without their defense attorneys being present. Bail may be required if the

judge believes that the accused otherwise may not appear for trial. Alternatively a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may flee the country or pose a danger to society. The Penal Procedures Code requires completion of pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. Lengthy pretrial detention as a result of delayed investigations remained a serious problem.

In January 2001, the AHC learned that three individuals in a Tirana prison—Sali Lushaj, Dem Dollapi, and Vlash Ndoi—had been detained past the legal limits. Lushaj and Dollapi, who claimed to be detained for political reasons, were charged with participation in an armed uprising to overthrow the constitutional order. At year's end, the men remained in detention and their court case remained pending.

A 2001 fact-finding mission by the AHRG to the Vaqarr prison found overcrowding and a lack of adequate drinking water. The AHRG reported that juveniles were not isolated fully from adults at the facility and did not have adequate access to legal assistance. Legally sound parole requests from juveniles were awaiting court consideration. In March a convict kept in an isolation cell due to overcrowding committed suicide.

There were no confirmed cases of detainees being held strictly for political reasons. The trials of Ekrem Spahia, the Chairman of the Legality Party, and 12 of his supporters for participation in the events of 1998 which followed the killing of a DP parliamentarian remained pending at the Tirana District Court.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, because of political pressure, intimidation, endemic corruption, bribery, and limited resources, the judiciary was unable to function independently and efficiently.

The judicial system is composed of district courts of the first instance, six courts of appeal, military courts of first instance and of appeal, and the Supreme Court. There also is a separate and independent Constitutional Court. The Supreme Court hears appeals from both the district courts and the Courts of Appeal, while the Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government. Constitutional Court justices serve 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 9 years.

The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament.

The President of the Republic appoints the 17 members of the Supreme Court and the 9 members of the Constitutional Court with the consent of Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Supreme Court, but such decisions must be approved by the Constitutional Court. According to the law, dismissal may be ordered based on violation of the constitution, conviction for a crime, mental or physical incapacity, or commission of an act that seriously discredits judicial integrity and reputation.

The President appoints the Prosecutor General with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the Prosecutor General. The President may dismiss the Prosecutor General on the recommendation of the Parliament. The March removal of Prosecutor General Arben Rakipi—dismissed without the opportunity to present a defense—sparked constitutional debate. Rakipi took the case to the Constitutional Court, but the President appointed a new Prosecutor General before the Court ruled. The Court later found Rakipi's dismissal to be a violation of due process, invalidated his dismissal, and directed Parliament to reconsider the matter; legal scholars were divided on whether the Court had jurisdiction in the matter. When Parliament took no action on its findings, the Constitutional Court referred the case to the Council of Europe's Venice Commission, which advised that the Court's ruling should be implemented.

Parliament approves the courts' budgets and allocates funds. The Judicial Budget Office, a separate, independent body, administers court budgets, but each court may decide how to spend the money allocated to it. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office; all other board members are judges. The Ministry of Justice appoints court chancellors and financial managers.

The Ministry of Justice also supervises the Bailiffs' Office, the body that ensures that civil judgements are enforced.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial; however, limited material resources in many instances prevented the court system from processing cases in a timely fashion. Many court buildings were destroyed in the 1997 civil unrest; although all have reopened, important records and legal materials were lost permanently. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (*see* Section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and the Government respected this right in practice. Under the law, the Government provides lawyers for indigent defendants. If convicted, the accused has the right to appeal the decision within 10 days to the Court of Appeals. Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cited the failures of the other as the reason criminals avoid imprisonment. The courts accused the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police alleged that corruption and bribery tainted the courts. The Judicial Police are responsible, under the direction of prosecutors, for developing investigations initially conducted by the police.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, at times the Government infringed on these rights. Individuals complained to the People's Advocate that police typically carried out operations late at night, at times without proper authorization.

Individuals also reported to the People's Advocate that they were not adequately compensated for private land taken for public use during the Communist regime. The Government has not resolved many long-standing property rights issues and continued to occupy or rent out buildings to which private individuals have ownership claims recognized by the courts. In October Parliament passed a resolution calling on the Government to end this practice.

The Government prohibits female Muslim students from wearing headscarves in public schools (*see* Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the media was active and unrestrained; however, there were serious, fundamental problems with the use of the media for political purposes. Libel carries criminal sentences. The punishment for libel varies from a fine to 2 years' imprisonment. Political interference in the media remained a problem. Publishers and newspaper owners often edited news stories to serve their own political and economic interests.

Daily circulation of all newspapers was estimated at 76,500. Political parties, trade unions, and various societies and groups published their own newspapers or magazines. The opposition media was active, but was constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. At least 2 newspapers were published in Greek in the south of Albania, and 15 Greek papers and magazines were distributed throughout the south. These dailies and weeklies had very small circulation figures.

The Government's Albanian Radio and Television (RTSh) is the sole public broadcaster in the country. RTSh consists of a national television station and a national radio station. National television broadcasts 17 hours a day and reaches 94 percent of the population. National television also broadcasts a 2-hour, Albanian-language regional satellite program that is viewed widely throughout Europe. National radio broadcasts on two channels—one for 19 hours and the other for 5 hours per day. National radio operated a foreign language service that broadcasts in 7 languages, including Greek and Macedonian.

Television is highly influential; it was estimated that up to 80 percent of the public obtain their news and information from television. Television programming included some responsible journalism; however, political affiliation was pervasive in programming. The majority of stations were one-sided in their political coverage.

Broadcasting issues are governed by the National Council of Radio and Television (NCRT), a seven-member bipartisan body elected by the Parliament, with one appointment by the President. In 2000 the NCRT awarded broadcasting licenses to 2 national television stations, 50 local television stations, 31 local radio stations, and 1 national radio station. Several broadcasters failed to pay for their licenses or abide

by the regulations governing the licenses; however, these regulations were enforced weakly.

In January a member of the Durres Municipal Council reportedly assaulted a journalist from the ruling SP newspaper "Zeri i Popullit" after the reporter criticized the Municipality's Department of Public Service.

In February both the AHRG and AHC issued statements expressing concerns regarding an anonymous threat against the life of Ylli Rakipi, editor of the newspaper "Albania." Rakipi reported that he was warned to stop printing stories critical of the private life of Fatos Nano, then the SP Chairman and now Prime Minister.

In March the AHRG also expressed concern over reports of violent threats by the Chief Justice of the Appeals Court of Gjirokaster, Tomorr Skreli, against the director of the Regional Newspaper "Dita Jug," Engjell Seriani, over reporting of a court case.

Access to the Internet was available and unrestricted; however, the Internet was too expensive for most citizens.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law requires organizers to obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. However, there were no reports that such permits were withheld arbitrarily.

The Constitution provides for the right of association, and the Government generally respected this right. However, the Constitution prohibits the formation of any political party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character. There were no reports that this provision was used against any group. A political party must apply to the Ministry of Justice for official certification and declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Such certification was granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respected this right in practice. According to the Constitution, there is no official religion, and all religions are equal; however, the predominant religious communities (Sunni, Bektashi, Orthodox, and Roman Catholic) enjoy de facto recognition that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country. Religious movements—with the exception of the four de facto recognized religions—may acquire the official status of a legal entity by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

While the Government does not require registration or licensing of religious groups, the State Committee on Cults keeps records and statistics on foreign religious organizations that contact it for assistance.

The Albanian Evangelical Alliance, an association of more than 100 Protestant Churches, complained that it had encountered administrative obstacles to building churches, accessing the media, obtaining residence permits, and receiving exemptions from customs duties. The growing evangelical community continued to seek official recognition as bona fide religious institutions similar to that enjoyed by the four main groups.

The Government is secular, and religion is not taught in public schools. There is no law restricting the demonstration of religious affiliations in public schools; however, students were not allowed to do so in practice. The Ministry of Education contended that public schools in the country were secular and that the law prohibited ideological and religious indoctrination. Female Muslim students were not allowed to wear headscarves in public schools. There are 26 religious schools in the country, with approximately 2,600 students.

The Government has failed to return to the various religious communities all of the properties and religious objects that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often did not return the land surrounding the buildings or provide comparable compensation. In addition, the Government was unable to compensate churches adequately for the extensive damage that many religious properties suffered.

The Orthodox Autocephalous Church of Albania complained that it had difficulty in recovering some religious icons for restoration and safekeeping and also reported three cases of vandalism at churches in southern Albania during the year. The

Bektashi community also reported several incidents involving desecration of tekkes (Bektashi places of worship).

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

As a result of significant internal migration, thousands of citizens no longer have local registration and status, which has led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of these documents prevents many students from attending school. During the year, the Ministry of Local government began a nationwide project on citizen registration, financed in part by Italy in the framework of the Stability Pact. In November the Government enacted three laws on civil status to improve local registration practices and create a standardized national identification document.

Citizens who fled the country during or after the Communist regime are able to return and, if they lost their citizenship, they are able to have it restored. Citizens born in the country who emigrate may hold dual citizenship.

The Constitution and a 1998 asylum law provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol. The Government accepts the entry of refugees, does not expel those with valid claims to refugee status, and works with the international community to provide housing and support for them. The Government provides for first asylum. There is an appeals procedure, but it was not functioning due to government restructuring.

In March the Government revoked the special status for Kosovar refugees based on improved circumstances in Kosovo. This affected 287 people, almost all of whom immediately applied for asylum. In August two North Korean nationals sought free passage asylum at the Albanian Embassy in Beijing, China. The Government successfully cooperated with international organizations and facilitated the transfer of the two for permanent asylum processing in the Republic of Korea.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and in efforts to strengthen the asylum system. There were no mass refugee situations during the year.

The UNHCR provided social service support for the refugee community and coordinated further assistance through a network of NGOs that provide health care coverage, insurance, and limited training. The Government's Office for Refugees at the Ministry of Local government played a key role in facilitating and coordinating the work of these groups. In May 2001, the UNHCR closed the last refugee camp for Kosovars.

Organized criminal gangs made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—a lucrative business. Due to its proximity—a 90-minute speedboat ride from Vlora to Bari—Italy remained the preferred destination. In August the Government mounted a major law enforcement operation with international assistance against clandestine speedboats, effectively shutting down the main speedboat route to Italy for illegal immigrants. Italian military and border patrol squads operated in various coastal zones of the country in an effort to stop the flow of illegal immigrants. Individuals who become stranded inside the country while trying to use this illegal pipeline go through a pre-screening process jointly run by the Government, the UNHCR, the International Organization for Migration (IOM), the International Catholic Migration Commission (ICMC), and the OSCE to determine their status. Of the 199 third country nationals pre-screened during the year, 158 were referred by police, and 41 sought services voluntarily; 60 of these individuals requested asylum, 38 voluntarily returned to their home countries, and the others returned to the countries from which they entered Albania. The international partners in the pre-screening process recommended that the Government extend the program to illegal immigrants stopped at the border.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections

held on the basis of universal suffrage. The general elections of 2001, which began in June and ended in August, were deemed by international observers to be an improvement over past contests; however, some serious irregularities occurred, and problems worsened during each round of voting. Five rounds of voting, beginning in June and ending in August, were required to complete the process. The Council of Europe's Parliamentary Assembly commended political parties for processing their complaints through internationally accepted frameworks. The OSCE's ODIHR, which observed the elections, noted that there was progress in the areas of election administration, media coverage, and campaign conduct; however, ODIHR's final report noted that the election process was "protracted, uncertain, and fragmented." It also noted serious irregularities in the voting process, including ballot box stuffing; fraud in a limited number of constituencies; political pressure exercised at times that compromised the performance of the Central Elections Commission (CEC); inadequate handling of key elections complaints by the CEC; police interference in a limited number of instances; and a dubious appeals process, particularly with regard to the Constitutional Court. In a number of cases, the courts failed to investigate election appeals fully. Coverage by the state television station, RTSH, deteriorated after the first round, favoring the governing party.

During a Parliamentary by-election in a single electoral zone in Elbasan in December, the opposition Democratic Party raised similar concerns regarding voter list manipulation, voter intimidation, and other electoral code violations, but not on the same scale. The CEC, however, found that the opposition's complaints fell outside its jurisdiction. The General Prosecutor opened an investigation of electoral code violations.

There were 8 women in the 140-seat Parliament. The Minister of Culture, Youth, and Sports and the Minister of Labor and Social Issues were women. The major political parties have women's organizations, and women served on their central committees.

Ethnic Greeks—the largest minority group—were represented in the Government and participated actively in various political parties, particularly the Human Rights Union Party. There were three ethnic Greeks in Parliament and one ethnic Greek minister in the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were increasingly cooperative and responsive to their views. There were several domestic NGOs active in addressing human rights problems.

Despite the assistance of international donors, the work of these organizations was hampered by a shortage of funds and equipment.

The People's Advocate (Ombudsman)—an institution that became operational in 2000—investigated inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacks the power to enforce decisions, the People's Advocate acted as a watchdog for human rights violations. Its most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (*see* Sections 1.c., 1.e., and 1.f.). The caseload of the People's Advocate office continued to increase as the public became more aware of the services provided. The People's Advocate enjoyed the political support of the highest-ranking members of the Government and is authorized to receive information from all public agencies.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on sex, race, ethnicity, or language; however, discrimination against women and some minority groups persisted. The AHRG complained that police physically mistreated the country's small homosexual community.

Women.—Violence against women and spousal abuse remained serious problems. In the country's traditionally male-dominated society, cultural acceptance and lax police response resulted in most abuse going unreported. Rape is punishable by law, as is spousal rape; however, in practice spousal rape was not reported or prosecuted. The concepts of spousal rape and sexual harassment were not well established, and, consequently, such acts often were not considered crimes by the authorities or the public. A 1999 poll conducted by the NGO Advice Center for Women and Girls showed that 64 percent of women surveyed had experienced some form of physical, emotional, or sexual abuse. Later statistics were not available. The State Committee

on Women and Children is the primary government agency that addresses the status of women; however, it was underfunded and lacked political influence.

An NGO maintained a shelter in Tirana for abused women, but the facility had the capacity to house only a few victims at a time. The same NGO also operated a hot line that provides advice and counseling to women and girls.

Many men, particularly those from the northeastern part of the country, still followed the traditional code—the *kanun*—in which women are considered to be, and are treated as, chattel. Under the *kanun*, a woman's duty is to serve her husband and to be subordinate to him in all matters.

The law prohibits prostitution, but it was a problem. Trafficking in women for the purpose of sexual exploitation remained a serious problem (see Section 6.f.).

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and it was common for well-educated women to be underemployed or to work outside their field of training. An increasing number of women continued to open shops and small businesses. Many women migrated along with men to Greece and Italy to seek employment.

Various groups such as the Women's Center, the Family Planning Association, Useful to Albanian Women, the Independent Women's Forum, Women in Development, the Millennium Coalition, the Women's Advocacy Center, the Association of Women's Lawyers, *Refleksione*, and the three main human rights groups worked to promote women's rights. Some of these groups successfully promoted public awareness regarding domestic violence and implementing programs to empower women; however, their ability to lobby the Government and other prominent individuals to institute actual change in government policies and practices remained negligible.

Children.—The Government's commitment to children's rights and welfare is codified in domestic law. The law provides for the right to 18 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or until age 18, whichever comes first). However, in practice many children left school earlier than allowed by law in order to work with their families, especially in rural areas (see Section 6.d.). According to a Save the Children 2000 report, in some rural areas approximately 90 percent of adolescent girls dropped out of secondary school. The lack of proper documents—many of which have been lost due to internal migration—prevented many students from attending school (see Section 2.d.). The State Committee on Women and Children is responsible for children's issues; however, it was underfunded and lacked political influence.

According to 2000 statistics issued by the Ministry of Public Order and the Commission for Reconciliation of Blood Feuds, as many as 400 children remained endangered by blood feuds involving their families (see Section 1.a.).

Child abuse, including sexual abuse, rarely was reported, but authorities and NGOs believed that it existed. According to the Ministry of Public Order, more than 89 cases of sex crimes against children were reported during the year. Trafficking in children was a serious problem (see Section 6.f.). In a few cases, criminals kidnaped children from families or orphanages to be sold to prostitution or pedophilia rings abroad. Child labor continued to be a problem (see Section 6.d.).

Various NGOs worked on children's issues, including Useful to Albanian Women, the Children's Human Rights Center in Albania, and the Albanian Children's Alliance, which is made up of 150 organizations across the country. International organizations active in this area included UNICEF, Save the Children, Caritas, and Catholic Relief Services.

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. They are eligible for various forms of public assistance, but budgetary constraints greatly limited the amounts that they received. No law mandates accessibility to public buildings for persons with disabilities, and little has been done in this regard. In April the Association of Paraplegic and Tetraplegic Invalids held a hunger strike to call attention to the lack of government services for the disabled.

National/Racial/Ethnic Minorities.—The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to study and be taught in their mother tongue, and to unite in organiza-

tions and associations for the protection of their interests and identity.” A National Minorities Section in the Department of Prefectures in the Ministry of Local government monitors the participation of national minorities in policy making both at the local and national levels. The Office of National Minorities, at the Ministry of Foreign Affairs, monitors Albania’s compliance with international obligations and commitments as they relate to minority issues.

No recent official statistics exist regarding the size of the various ethnic communities. The Government omitted questions regarding ethnicity and religion in the April 2001 census, which caused some ethnic Greeks to boycott the process. Ethnic Greeks are the largest minority group. There also are small groups of Macedonians, Montenegrins, Vlachs, Roma, and Egyptians.

The ethnic Greek minority, led by their cultural association Omonia, collectively pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained of the Government’s unwillingness to recognize the existence of ethnic Greek towns, such as Himara, that are not considered part of communist-era “minority zones”; to utilize Greek on official documents and on public signs in ethnic Greek areas; to address effectively crimes committed against ethnic Greeks, particularly allegations that communal property is being taken illegally by means of fraudulent documents and in some cases with complicity of the courts; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration. Greek-language public elementary schools were common in much of the southern part of the country, where most ethnic Greeks lived. Every village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students, and Gjirokaster has two high schools. There also is a Greek chair at the University of Gjirokaster. However, Omonia said that the ethnic Greeks needed more classes both within and outside the so-called minority zones. Ethnic Greeks enjoyed access to Greek language media (*see* Section 2.a.).

Ethnic Macedonians lived primarily in the Pogradec and Devoll and the Prespa area bordering Macedonia. Their interests were represented by Society Prespa. Classes in Macedonian were available to students in the area. The Macedonian government agreed to provide texts for these classes free of charge; however, community leaders complained that the book supply was not adequate. A considerable number of students from this area study at the universities of Skopje and Bitola.

A small group of ethnic Montenegrins and Serbs lived north of Shkoder. Persons from this area received scholarships from the Montenegrin government for their children to study in Montenegro. The Association of Montenegrins represented Montenegrin interests. There were no reports of discrimination against ethnic Montenegrins.

Vlachs, also known as Aromanians, speak their own Romanian-related language as well as Albanian and live primarily in the southern part of the country. No discrimination was reported by the Vlachs, who were represented by the groups Armeni-Alban, the Aromanian Association Voskopoja, and Aefallofisi.

The Roma and the Egyptians were among the most neglected groups in the country. The Egyptians tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. The Government officially recognizes the Roma as a linguistic rather than a national minority, thus preventing Roma children from qualifying for education in their native language and perpetuating illiteracy within the community. The interests of the Egyptians were represented by the Association Socio-Humanitarian Vllazerimi, the Roma by the Association Amaro Drom, Amaro Divas, Romani Baxt, and the Group for the Development of Roma Culture. The Soros Foundation supported various initiatives sponsored by the Association Amaro Drom, particularly in the field of education.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form independent trade unions, and workers exercised this right in practice. Two major federations act as umbrella organizations for most of the country’s unions: The Independent Confederation of Trade Unions of Albania (membership approximately 75,000) and the Albanian Confederation of Trade Unions (membership approximately 100,000). Both organizations experienced another drop in membership during the year due to increasing unemployment. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

The law does not prohibit antiunion discrimination; however, there was no such discrimination in practice.

Unions are free to join and maintain ties with international organizations. Twelve federations, which were part of the Albanian Confederation of Trade Unions, were members of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organize and bargain collectively, and the Labor Code establishes procedures for the protection of workers' rights through collective bargaining agreements; however, labor unions operated from a weak position, given the country's high level of unemployment. In practice unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The Constitution and other legislation provide that all workers, except the uniformed military, the police, and some court officials, have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children. Some children as young as 4 years of age were employed, and some children work as many as 16 hours a day. According to the CRCA, the majority of child laborers worked as street or shop vendors, farmers or shepherds, drug runners, textile factory workers, shoeshine boys, or prostitutes (see Section 5). However, in Tirana and other cities, children—mostly Roma—worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice.

NGOs reported that labor inspectors, who are charged with investigating child labor complaints, did not give out fines, penalties, or convictions to those who violated child labor laws (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by children under the age of 18. Children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the courts; however, there were no reports that this enforcement took place. The CRCA estimated that 30,000 to 50,000 children under the age of 18 worked either full or part time.

A March 1998 CRCA study carried out with the Ministry of Education in 11 cities throughout the country noted that more than 17 percent of children surveyed had abandoned their studies to work. The State Committee on Children also noted that there were approximately 800 street children in Tirana. A recent study by the NGO Terre des Hommes reported 1,000 street children in major Greek cities, of whom approximately 90 percent were Albanians.

In April the Government ratified ILO Convention 182 on the worst forms of child labor.

The law forbids forced or bonded labor by children; however, there were reports that such practices occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—The legal minimum wage for all workers over the age of 16 was approximately \$50 (6,600 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. Many workers looked for second jobs, which were difficult to find. Remittances from those working abroad were very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these were very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$100 (13,200 lek) per month. Persons who worked and lived in urban areas earned almost 50 percent more than counterparts in rural areas, and poverty is greater in rural areas. More than 17 percent of the population lived under the official poverty line.

No data was available for private sector wages, but they were considerably higher than in the public sector.

The legal maximum workweek is 48 hours, although in practice, hours typically are set by individual or collective agreements. Many persons work 6 days a week. By law overtime pay must be provided and there are mandated rest periods; however, these were not always observed in practice.

The Government sets occupational health and safety standards; however, it had limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally were very poor and often dangerous. A number of job-related

deaths were reported in the press during the year, especially in the construction industry. In such cases, the victims' families did not receive any financial support from the state social security administration because the workers often were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide workers with the right to leave a hazardous workplace without jeopardy to their continued employment.

f. Trafficking in Persons.—The law criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained serious problems. Police corruption and involvement in trafficking was a problem.

A 2001 Criminal Code amendment introduced specific articles on trafficking that set the following penalties: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). The General Prosecutor's office and police did not follow through on plans to establish an Organized Crime Strike force to handle high profile and sensitive cases. The lack of prosecution of traffickers remained a problem. During the year, 17 people were convicted for trafficking in persons. Traffickers who were arrested often were released because of insufficient evidence. If prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking. The absence of a witness protection program also impeded the Government's ability to build strong cases against traffickers, although cooperation from the international community led to the relocation and protection of one witness outside of Albania during the year. Victims often did not identify themselves as trafficked persons and were unwilling to testify due to fear of retribution from traffickers and distrust of the police. Cooperation between the police and prosecutors remained weak.

Albania is both a source and a transit country for trafficking. Although the number of Albanians subjected to trafficking to other countries decreased, the country remained a significant point of origin. Most trafficked women and young girls were transported to Italy, Greece, and—to a lesser extent—other European countries, such as Belgium and the Netherlands. Most of these victims were taken to the southern port city of Vlora for transport by speedboat to Italy, although the port of Durres increasingly was a transport point.

Trafficked Albanians increasingly fell into the 14- to 17-year-old age group; according to the AHRG, 25 percent of Albanian trafficking victims were minors. Italian census figures in 2000 showed that there were more than 900 children (girls ages 14 to 18) who worked as prostitutes in Italy. The press reported several cases involving minors who were victims of trafficking throughout the year. Children, including boys, also were trafficked for begging. Such children often were bought from families and in a few cases kidnaped. The Center for the Protection of Children's Rights (CRCA) reported that more than 2,000 children between the ages of 13 and 18 were involved in prostitution rings and that a large number of Albanian children worked as child prostitutes in Greece.

The country also was a major transit route for trafficked women and girls, due to weak border controls, corruption, and proximity to Italy; however, this use as a transit country apparently diminished significantly during the last half of the year. Foreign women and girls in transit mostly originate from Moldova, Romania, and—to a lesser extent—from Ukraine, Russia, Yugoslavia (Kosovo), and Bulgaria. These victims usually entered the country through Montenegro, passed through the northern city of Shkoder enroute to the southern port city of Vlora, where they were transported by speedboat to Italy. However, Italian authorities reported no clandestine speedboat traffic across the Adriatic from September to year's end. Other victims were taken farther south to Greece. Traffickers typically confiscated victims' documents, physically and sexually abused them, and often forced them to work as prostitutes before they left Albania. Both Albanian and foreign women trafficked by Albanian organized crime networks were abused, tortured, and raped. Traffickers also may threaten their family members.

Due to the poor economic situation, many women and young girls from all over the country—particularly Berat, Fier, Lushnje, Shkoder, and Vlora—were lured by men and women from organized criminal groups who promised them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretenses and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and to a lesser extent, the selling of victims to traffickers by family members, or kidnapping, including from orphanages.

The police often were involved directly or indirectly in trafficking. According to an IOM/ICMC study, 10 percent of foreign victims reported that the police were directly involved in their trafficking through the country. Few police or other government officials were prosecuted. In February a police officer in the city of Shkrodra

was arrested and convicted for his involvement in trafficking but received only a minimal sentence. Other police officers were indirectly involved, accepting bribes from traffickers to look the other way. Lawyers and judges may also be manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested. The Ministry of Public Order's Anti-Trafficking Unit within the Organized Crime Sub-Directorate and an Office of Internal Control paid particular attention to police involvement in human trafficking. The Office of Internal Control investigated 31 cases of police involvement in trafficking in women during the year and 173 cases of police involvement in trafficking in illegal immigrants.

By year's end, the Ministry of Public Order had fully staffed the Anti-Trafficking Unit. In August a major anti-trafficking operation effectively closed down clandestine speedboat traffic to Italy. Nevertheless, the Ministry of Public Order failed to follow up on high-profile trafficking and corruption investigations. Local police often tipped off traffickers when raids were scheduled. On one occasion, a police supervisor checking on his men found them helping traffickers with their boats.

In July 2001, the Government established an Inter-Ministerial Commission on Human Trafficking, which drafted a National Strategy on Anti-Trafficking, and designated a Minister of State to serve as the National Anti-Trafficking Coordinator.

In October 2001, the Government inaugurated the Vlorë Anti-Trafficking Center; however, international partners withdrew from the project, and the center was still not operational at year's end. The Government's State Committee on Women and Children provided limited trafficking prevention education; however, this office was underfunded. National and international NGOs carried out most awareness campaigns.

Police treatment of trafficked women improved dramatically during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and foreign NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.

Victims of trafficking often faced significant stigmatization from their families and society. The Government did not offer any assistance programs to victims, including repatriated victims. The Government did not provide any psychological counseling services. Several NGOs were active in addressing victim's needs. In June the IOM opened a shelter and reintegration center for citizen victims in Tirana; however, given the scope of the trafficking problem and limited resources to address reintegration, many victims of trafficking received little or no assistance.

The Ministry of Public Order provided assistance in referring foreign victims to a shelter administered jointly by the IOM and the ICMC. Foreign trafficked victims, if they so desired, benefited from an interagency referral system, a temporary social assistance program supported by a group of local NGOs, and a shelter, all organized by IOM and ICMC. During the year, the program repatriated 33 women.

ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy. Two Princes with joint authority, representing secular and religious authorities, have headed the Principality since 1278. Under the 1993 Constitution, the two Princes—the President of France and the Catholic Bishop of Seu d'Urgell—Spain serve equally as heads of state, and each is represented in Andorra by a delegate. In March 2001, elections were held to choose the 28 members of the "Consell General," (the Parliament) which selects the head of government. Domestic elections monitors considered the election to be free and fair. The judiciary is independent.

The country has no defense force and depends on neighboring Spain and France for external defense. The national police, under effective civilian control, had sole responsibility for internal security.

France and Spain influenced the country's market-based economy significantly. The country had a total population of approximately 66,900. Commerce and tourism were the main sources of income.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Violence against women increased, and there was some discrimination against women in the workplace. There were some limits on workers' rights. Some immigrant workers complained that they did not have the same labor rights and security as citizens in practice, despite legal protections. Andorra was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately, as were juveniles from adults. Pretrial detainees also were held separately from convicted criminals. The Government permits visits by independent human rights observers; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police legally may detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The Government declined to modify the law to provide individuals under arrest immediate access to an attorney despite a request by the Council of Europe's Committee for the Prevention of Torture in 2000. Legislation provides for legal assistance beginning 25 hours after the time of arrest. There was a system of bail.

The country is party to a network of 47 States with prisoner transfer agreements, and qualifying prisoners were permitted to serve their sentences in their own country.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by the two Princes; the head of government; the President of the Parliament; and collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right in practice.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides citizens with safeguards against arbitrary interference with their "privacy, honor, and reputation," and government authorities generally respected these prohibitions in practice. Private dwellings are considered inviolable. No searches of private premises may be conducted without a judicially issued warrant. Violations were subject to effective legal sanction. The law also protects private communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

There were two independent daily newspapers, *Diari d'Andorra* and *El Peridico de Andorra*. There was one radio station and one television station, which broadcast 16 hours a day.

Internet access was unrestricted, and the Government did not monitor Internet activity.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, "in accordance with Andorran tradition." The Catholic Church received no direct subsidies from the Government.

The Government paid the salaries of teachers who taught optional Catholic religious classes to students in public schools; the Catholic Church provided the teachers for these classes.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The law does not specifically provide for first asylum; however, the issue of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There were three political parties: The Andorran Liberal Party (ALP), the Andorran Democrat Center Party (ADCP), and the Social Democratic Party (SDP).

Parliamentary elections were held in March 2001, and 81.6 percent of eligible voters took part. The election ran smoothly, and was considered to be free and fair by domestic monitors. The ALP, (the head of government's Party), retained its absolute majority, winning 15 of the 28 seats in Parliament. The ADCP and the SDP won five and six seats respectively. A local group won two seats.

Of the 28-member Parliament, four were female, and three women held cabinet level positions. There were no formal barriers for women in government and politics, but relatively few women ran for office.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views. Approximately 10 human rights associations existed in the country. The most active was the Association of Immigrants in Andorra (AIA), which defended the rights of foreign residents, and the Association of Andorran Women (AAW), which actively supported women's rights (see Section 5). The Red Cross had a presence within the country.

An Ombudsman received and addressed complaints, some of which were against the Government's policies.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens.

Women.—Observers maintained that violence against women persisted. The AIA and the AAW received more complaints of physical and psychological abuse against women than the 30 received in 2001, but fewer than the 60 complaints filed in 2000. Women suffering from domestic violence requested help from the AIA and the AAW, but very rarely filed a complaint with the police. The AIA and the AAW also reported that domestic violence existed at all levels of society. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. Some complaints were reportedly filed with the police during the year.

The law prohibits discrimination against women privately or professionally; however, the AAW reported that in practice, there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers estimated that women earned 25 percent less than men for comparable work although this gap continued to decrease slowly.

The AAW actively promoted women's issues through information exchanges and limited direct support to those in need; the AAW collaborated with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. Despite demands from both the AAW and the AIA, the Government declined to create a department specifically for women's issues; however, in June 2001, the Government created a Secretariat of State for the Family.

Children.—The Government was committed to children's welfare and provided a universal system of health care and education. The Secretariat of State for the Family was responsible for promoting children's welfare. Free, universal public edu-

cation began at age four and was compulsory until age 16. The Government provided free nursery schools, although their number continued to fall short of what was needed.

There was no societal pattern of abuse of children.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, in education, and in the provision of other State services, and there were no reports that such discrimination occurred. Societal discrimination against persons with disabilities did exist on a small scale.

The law mandates access to new buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

National/Racial/Ethnic Minorities.—Spanish nationals were the largest group of foreign residents, accounting for approximately 41 percent of the population. Other sizable foreign populations included Portuguese, French, and British. A small but growing group of immigrants, primarily from North Africa, worked mostly in agriculture and construction.

Some immigrant workers complained that they did not have the same labor rights as citizens (*see* Section 6.e.). In September a law was passed to give legal status to the approximately 7,000 immigrants working in the country with no work permits or residence permits. This law also makes allowances for annual quotas of legal immigrants.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations without prejudice. In 2001 the Government approved a new registry of associations, and they were gradually registering with the Government. These include the Andorran Trade Unions' Association, a group that represented more than 10 unions of workers in government and the private sector.

In September 2001, a federation workers' association officially was formed with the aim of regularizing labor relations through dialogue. It was negotiating with the Government on the drafting of a law for the protection of workers in trade unions, and to develop a social security system and labor relations. At year's end, these negotiations remained ongoing.

Antiunion discrimination is not prohibited under the law, although there were no reports of such discrimination during the year.

b. The Right to Organize and Bargain Collectively.—The Constitution states that both "workers and employers have the right to defend their own economic and social interests"; however, there was no law that specifically provides for collective bargaining. Parliament was charged with adopting legislation to regulate this right in order to guarantee the provision of essential services; however, it had not done so by year's end.

Neither the Constitution nor the law states explicitly that strikes are permitted, and there were no strikes. In spite of government statements that it tolerates strikes, workers were reluctant to organize strikes because of the possibility of reprisal since no law prohibits it.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law does not prohibit forced and bonded labor, including by children, and there were no such reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children under the age of 18 generally were prohibited from working, although in exceptional circumstances, children aged 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor is responsible for enforcing child labor regulations.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The workweek was limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours was 66 hours per month, and 426 hours per year. An official minimum wage was set by government regulations, although other, higher wages may be established by contract. The minimum wage is \$4.66 (5 euros) per hour, and \$682 (805 euros) per month. The minimum wage only provided a bare subsistence standard of living for a worker and family. The Labor Inspection Office enforced the payment of the minimum wage.

Workers may be dismissed with 15 days' to 6 months' notice, depending on how long they have been working for a company. A minimal indemnification of 1 months'

salary per year worked was paid if a worker was fired without cause. A dismissed worker received unemployment and health benefits for only 25 days. The Social Security Office controlled retirement benefits. The Labor Inspection Service heard labor complaints.

The Labor Inspection Service set occupational health and safety standards and took the necessary steps to see that they were enforced. During the year, the Labor Inspection Service filed approximately 200 complaints against companies for violating labor regulations, and it had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

Although the Constitution provides that legal foreign residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers held only "temporary work authorizations," which were valid only as long as the job for which the permit was obtained existed. When job contracts expired, temporary workers had to leave the country. The Government prohibited the issuance of work permits unless workers could demonstrate that they had a fixed address and at least minimally satisfactory living conditions.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although the law does provide punishment for traffickers of illegal workers. There were no reports that persons were trafficked to, from, or within the country.

The law prohibits trafficking in illegal workers (collusion in or provision of illegal entry for the purposes of employment), which is punishable by up to 3 years imprisonment. Rape and forcible sexual assault are punishable by up to 15 years imprisonment. In the absence of a specific law on trafficking, certain circumstances could lead to the application of the rape statute in a trafficking case.

ARMENIA

Armenia has a Constitution that provides for the separation of powers; however, the directly elected President has extensive powers of appointment and decree that are not balanced by the legislature or an independent judiciary. The President appoints the Prime Minister, who is in charge of the Cabinet. Robert Kocharian was elected President in a multi-candidate election in 1998 after former President Levon Ter-Petrossian was forced to resign by his former political allies in the Government and Parliament. There were flaws and substantial irregularities in both rounds of the 1998 presidential elections. Although marred by irregularities, the May 1999 parliamentary elections and several 2000, 2001, and 2002 by-elections showed continued improvement over past elections, and Organization for Security and Cooperation in Europe (OSCE) observers categorized the former as relevant steps toward compliance with OSCE commitments, but stated that they still failed to meet international standards. Amendments to the Electoral Code passed in August addressed a number of long-standing electoral problems. The majority in Parliament is made up of a coalition called "Unity", which includes the two parties which gained the most votes in the May 1999 Parliamentary elections, the Republican Party and the Peoples Party; however, due to political differences between the Republican Party and the Peoples Party, the Unity coalition during the year largely ceased to function. The legislature approves new laws, confirms the Prime Minister's program, and can remove the Prime Minister by a vote of no confidence. Both the Government and the legislature can propose legislation. The Constitution provides for an independent judiciary; however, in practice, judges were subject to pressure from the executive branch and some were corrupt.

The Ministries of Internal Affairs and of National Security, jointly are responsible for domestic security, intelligence activities, border controls, and the national police force. Some members of the security forces committed human rights abuses.

The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector did not function at peak capacity and its output remained low. According to results of the October 2001 census, the country had a total population of approximately three million persons. Unemployment remained high, and there was a high degree of income inequality. Unemployment was approximately 9.6 percent, according to the Government; however, other sources estimated the unemployment rate to be approximately 40 percent. A significant amount of economic activity, unofficially estimated between 40 and 50 percent, was not captured by government accounting or taxation. The inflation rate

was 2 percent. Almost all small and medium-sized enterprises have been privatized, as has all agricultural land. Emigration decreased since 2001, but still remained a problem. Foreign assistance and remittances from Armenians abroad played a major role in sustaining the economy; the Central Bank estimated that remittances from abroad were approximately \$300 million.

The Government's human rights record remained poor; however, there were improvements in some areas. Substantial intervention by local power structures in the election process in some areas, such as pressure on voters and ballot-box stuffing, continued to restrict citizens' ability to change their government peacefully. There were deaths in the military as a result of mistreatment of recruits. Members of the security forces routinely beat detainees during arrest and interrogation. Arbitrary arrest and detention was a problem. The Government rarely investigated abuses by members of the security forces and impunity remained a problem. Although prison conditions remained harsh, since the transfer of the prison system to the Ministry of Justice, living conditions and prisoner access to families have improved. Lengthy pretrial detention continued to be a problem. The judiciary was subject to political pressure and did not enforce constitutional protections effectively. Authorities did not respect constitutional protections regarding privacy and due process.

There were some limits on press freedom, mostly due to many journalists practicing self-censorship. There were some limits on freedom of association. The law places some restrictions on religious freedom, including a prohibition against proselytizing by religions other than the Armenian Apostolic Church; however, this prohibition was not enforced in practice. The Government continued to deny registration to Jehovah's Witnesses; 16 members of Jehovah's Witnesses were in corrective labor facilities for refusing military service and 10 were under house arrest, while 5 more members were awaiting trial.

The Government placed some restrictions on freedom of movement. There was some violence against women, and governmental and societal discrimination against women, persons with disabilities, and religious and ethnic minorities remained problems. There were a number of street children. There were some limits on workers' rights because collective bargaining did not exist. Trafficking in women and girls continued to be a problem, although the Government took steps to address the issue. Armenia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by the Government or its agents; however, there were deaths in the military as a result of mistreatment.

A Presidential bodyguard was found guilty of involuntary manslaughter and given a light sentence of twelve months' probation for the 2001 beating death of an Armenian of Georgian citizenship in a Yerevan cafe. The bodyguard testified at his trial that he had struggled with the victim, whom he said fell and struck his head on a sink, causing a fatal injury. The court was criticized by media, nongovernmental organizations (NGOs), and by opposition parties for not taking testimony from witnesses who claimed that more than one guard had struck Poghosian, and for allegedly conducting a cover-up.

There were no deaths in custody during the year; however, there were a number of deaths due to natural causes in prison (*see* Section 1.c.).

According to the office of the Military Prosecutor, there were 987 crimes committed in the armed forces during the year, compared to 1,184 in 2001. There were 62 deaths of military servicemen reportedly due to mistreatment, training related accidents, and illness during the year (*see* Section 1.c.). On February 25, a fellow serviceman beat to death Artem Sarkisian, a 22-year-old soldier in an army detachment in the city of Vanadzor. Doctors at a local military hospital ruled that Sarkisian was killed by food poisoning; however, an autopsy conducted in Yerevan found severe brain and abdominal injuries that most likely resulted from a violent death. As a result of investigation by the regional office of Military Procurator, more than 12 individuals were arrested, including the two soldiers who assaulted Sarkisian, several officers, and doctors from the local military hospital. On October 21, the trial of the arrested individuals in a Vanadzor court began, and was ongoing at year's end.

In August 2001, authorities detained and brought charges against two servicemen: the commander of the Stepanavan military unit, a sergeant; and a private, for facilitating the suicide of a junior sergeant of the Stepanavan military unit, Mkrtich

Poghosian, in July of that year. The case was suspended pending further investigation at year's end. According to the Procurator General's office, 513 criminal cases involving 669 servicemen were investigated during the year. Some of the crimes committed included desertion, hazing, abuse of power, and embezzlement.

In May 2001, the master sergeant of a military unit in Noyemberian, Suren Levon Abrahamian, was killed on duty near the village of Voskehat. A legal case against a fellow soldier was instituted under Article 100 of the Criminal Code for "premeditated murder," and was being investigated by the military garrison of the province of Gugark at year's end. On December 29, the case was sent to court. The main defendant and a fellow sergeant were found guilty and sentenced to 10 years' imprisonment.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to civilians.

During the year, there were a few deaths as a result of landmines, although reliable statistics were difficult to obtain. Landmines were used by all sides throughout the Nagorno-Karabakh conflict and landmines have been laid on the 900-kilometer border line and territories along the contact line. During 2000 one person was killed and 12 injured. According to the Procurator General's office there have been two deaths in the military since 2001 as a result of landmines.

In February 2001, unknown persons shot and killed Arthur Mnatsakanian, Deputy Chief of Public Affairs of the Customs Department, in his car. The case was suspended during the year pending new information.

In September 2001, a grenade explosion killed Gagik Poghosian, advisor to the Prime Minister and ex-Minister of State Revenues. The case was suspended pending acquisition of new information at year's end.

During the year, the trial of seven accused defendants in the October 1999 terrorist assault on a session of Parliament continued; relatives of the victims and opposition political parties complained about the slowness of the court proceedings.

b. Disappearance.—There were no reports of politically motivated disappearances.

The International Committee of the Red Cross (ICRC) reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict continued occasionally to engage in crossborder hostage-taking, sometimes to win release of a friend or relative held on the other side but more often for ransom. The ICRC, in coordination with the OSCE, has facilitated a number of prisoner exchanges.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and laws prohibit torture; however, security personnel routinely beat pretrial detainees during arrest and interrogation, and prosecutors relied on such confessions to secure convictions (*see* Section 1.e.).

During the year, the local human rights NGO Helsinki Committee stated that it had received complaints from homosexuals claiming that police had threatened them with forced psychiatric examinations. There were no allegations of any other group being treated in this manner during the year.

Most cases of police brutality went unreported because of fear of police retribution. During the year, a few cases of police brutality were reported after the intervention of local human rights groups. The Helsinki Association received two complaints from citizens about beatings at the police precincts of Kanaker-Zeytun district of Yerevan and at the Department of Internal Affairs of the city of Yerevan. Impunity of officials who commit such abuses remained a problem. During 2000 there were approximately nine cases of death in custody caused by beatings and other abuse; however, there were no reports available on the number of deaths caused by beatings and other abuse at year's end (*see* Section 1.a.).

During 2001 ex-defendants and attorneys for the defendants of the October 1999 killings in the Parliament claimed in the media that they were being held in inhuman conditions and were beaten during interrogations. A number of those arrested alleged that they were mistreated, including being drugged, beaten, and denied sleep for extended periods of time while in pretrial detention.

The Government did not investigate allegations of abuse by security services except in rare cases under pressure from human rights groups and only where death had resulted. In July 2001, the Human Rights Commission held open hearings on more than 50 complaints of torture by the Military Prosecutor's Office, which led to the filing of only one case during the year. Most complaints involved inhumane treatment, torture, and beatings of service men at the so-called reception and deployment stations (detention facilities of the military police). The next week, the Commission held another round of hearings together with the Military Prosecutor Gagik Jhangirian and Chief of the Military Police Vladimir Gasparian. Both Jhangirian and Gasparian denied the claims of torture. Subsequently family members of those killed staged a protest outside of the office, demanding Jhangirian's

resignation. During the year, the Procuracy investigated 18 cases of torture sent by the Human Right Commission; some of these had been already sent to court for prosecution of the accused torturers.

During the year, the Ministry of Defense cited reasons of “national security” in declining to provide local NGOs with exact details on some cases, citing the fact that the country remained technically in a state of war with Azerbaijan.

Homosexuals complained that police physically and mentally abused them and demanded bribes; such abuse reportedly increased when homosexuals were unable to pay police.

The number of deaths of conscripts from training accidents and physical abuse decreased in 2001, according to government figures. According to the Defense Minister’s statement, 10 percent fewer deaths were registered in the army during the first 5 months of the year compared with the same period of 2000; however, 20 percent of military commanders were dismissed during the year due to numerous violations in their units. The hazing and beating of conscripts was severe, particularly for Yezidi conscripts (see Section 5). Persons accused of homosexuality in the military generally were believed to suffer beatings and otherwise were physically abused and beaten more severely or frequently than other recruits. During the year, parents of recruits killed or injured in the army or prosecuted by the Military Prosecutor’s Office staged several rallies in front of the presidential office and petitioned both the President and the Human Rights commission.

Yezidis complained that police routinely failed to respond to crimes committed against them (see Section 5).

There were reports that corruption by government officials facilitated trafficking in persons (see Section 6.f.).

Although prison conditions were harsh and medical treatment was inadequate, according to domestic human rights NGOs, prison conditions continued to improve during the year. Some facilities were less overcrowded, food was better prepared, prisoners’ rights were codified in writing and displayed throughout the prisons, and a special tuberculosis hospital was operational in October. In October 2001, responsibility for prisons was transferred from the Ministry of Internal Affairs to the Ministry of Justice. Physical abuse by guards and other prisoners continued to be a problem. During the year, 11 prisoners died in prison of natural causes. Since a prison visit in 2000, the Commission on Human Rights has been instrumental in improving the conditions in the main prison in Gyumri. For example, inmates were able to receive toiletries from family members and were allowed to engage in activities and hobbies, such as sewing and writing. During the year, the Commission continued to monitor prison conditions and mentioned the need for further improvements in management and respect for prisoners’ rights.

Men and women were held separately, and juveniles were held separately from adults. Convicted criminals and pretrial detainees were held in different facilities.

The Government permitted domestic human rights NGOs to visit prisons; however, they do not have access to pretrial detention facilities. During the year, the Helsinki Association received permission from the Justice Ministry to conduct monitoring of the penitentiary system, including prison conditions and prisoners’ rights but not pretrial detention facilities. In some cases, domestic NGOs still complained of complicated and time-consuming procedures in order to obtain permits for visits; however, permission for visits by international observers, such as those from the Council of Europe, was granted more easily. During the year, several domestic NGOs monitored prison conditions. The ICRC had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC was able to visit any prisoner in whom it had an interest, whether housed in prisons or in local police stations. The ICRC also had free and regular access to the remaining prisoners of war (POWs) from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security, in military police stations, and in Nagorno-Karabakh (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and laws prohibit arbitrary arrest and detention, except in cases involving national security. Arbitrary arrest and detention remained a problem. Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. An amendment to the Criminal Code passed in 2001 reduced the length of time the police have the right to detain suspects without official charges from 96 to 72 hours. The police frequently imprisoned detainees without notifying their family members. Often several days passed before family members obtained information about an arrest and the person’s location. Security agencies often restricted access of lawyers and family members to prisoners until the preliminary investigation phase was complete, a process that could last weeks (see Section 1.e.).

Prisoners were allowed access to attorneys (and vice-versa). Access to prisoners by their families was sometimes a problem. A bail system does not exist; however, a prisoner may be released to a form of house arrest if the court is convinced that he will not flee. Although the revised Criminal Procedure Code has entered into force, the revised Criminal Code remained under consideration in Parliament (*see* Section 1.e.). A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this latter provision was not always enforced in practice, and lengthy pretrial detention remained a problem.

At year's end, 16 members of Jehovah's Witnesses remained in detention for refusal to serve in the military services and 10 were under house arrest; 11 were released on parole after serving part of their sentences, and 5 additional members were awaiting trial (*see* Section 2.c.). The Government has sought to reopen prosecutions against two members of Jehovah's Witnesses convicted on the same charge.

Unlike previous years, there were no reports of armed forces recruiters detaining persons to compel the surrender of relatives who evaded the draft or deserted (*see* Section 1.f.).

During the year, three Armenian and four Azeri POWs were repatriated; a fifth Azeri POW was granted asylum in a third country.

During the year, the Government allowed ICRC representatives and a parliamentary investigating committee to visit those detained in connection with the October 1999 shootings. The detainees also were permitted contact with lawyers, although their attorneys complained that their contacts were insufficient and restricted. The lead detainee in the case, Nairi Hunanian, announced that he was dismissing his lawyer and taking over his own case.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Constitution's provisions do not insulate the courts fully from political pressure, and in practice, courts were subject to pressure from the executive and legislative branches and some judges were corrupt. Lengthy public trials sometimes were a problem.

The Constitution mandates a three-level court system: The highest court is the Court of Cassation. There are two lower-level courts, the Appellate Court and courts of the first instance. First instance courts try most cases, with a right of appeal to the Court of Appeals, and then to the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the Presidency. Because of these limitations, the Constitutional Court could not ensure effective compliance with constitutional human rights safeguards.

The military legal system operates essentially as it did during the Soviet era. There is no military court system; trials involving military personnel take place in the civil court system and are handled by military prosecutors. Military prosecutors perform the same functions as their civilian counterparts, and operate in accordance with the Soviet-era Criminal Code. The Military Prosecutor, who was also named Deputy Prosecutor General, was in charge of the investigation into the October 1999 shootings in Parliament. By year's end, the trial of 11 detainees implicated in the crime continued. The Military Prosecutor has been strongly criticized by relatives of the victims and opposition political parties for reported defects in his investigation of the crime, but had refused demands in 2001 to resign.

The selection of judges is often based on scores on a multiple-choice test to determine potential judges' fitness under the system, and on their interviews with the Minister of Justice. The list of nominations is then approved by the Council of Justice and, finally, by the President. Judges are subject to review by the President, through the Council of Justice, after three years; unless they are found guilty of malfeasance, they are tenured until they reach the age of 65.

Prosecutors continued to greatly overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, headed by the President, the Procurator General, and the Justice Minister, appoints and disciplines judges for the tribunal courts of first instance, review courts, and the Court of Appeals. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels.

A commission to amend the Constitution's chapter on the judiciary, the second such body to undertake this task, has passed the final package of constitutional revisions, approved by the President, to Parliament in 2001. Such constitutional revisions must pass both Parliament and a national referendum. Most of the constitu-

tional revisions are aimed at removing some of the executive branch's powers and increasing judicial independence. Parliament had not acted on them by year's end, although it was announced that the national referendum would take place in May 2003.

The Criminal Procedure Code does not allow detainees to file a complaint in court prior to trial to redress abuses committed by the Prosecutor's Office, the police, or other security forces during criminal investigations. Witnesses have no right to legal counsel during questioning while in police custody—even though failure to testify is a criminal offense—and detainees must obtain permission from the police or the Procurator's Office to obtain a forensic medical examination to substantiate a report of torture. Although defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions, and according to law, all such charges must be investigated, judges and prosecutors routinely ignored such complaints even when the perpetrator could be identified.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any indigent defendants who need one. However, during 2001, the Helsinki Association conducted a survey of the courts together with the International Helsinki Federation, the International Union of Armenian Lawyers and the Moscow Helsinki Group. According to their joint report, 38 percent of 50 respondents stated that they were not provided with defense attorneys during the preliminary investigation. Reportedly individuals often choose to defend themselves in court because they had little respect for a defense attorney's professional skills and ethics.

Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them. The constitutionally mandated presumption of innocence was not always observed in practice, and acquittals were rare once a case went to trial. Defendants and prosecutors have the right to appeal; figures released by the Association of Armenian Judges showed that in 2000, three out of four appeals were turned down by higher courts. During 2000 563 of 2,266 court rulings were overruled or annulled.

A Jehovah's Witnesses leader, being prosecuted by the Procuracy for "leading youth astray," was found innocent, and two appeals by the Procuracy were subsequently denied in September and November 2001; a sign that judges were becoming more independent; however, the trial of a presidential bodyguard for the killing of an ethnic Armenian Georgian, Poghos Poghosian (*see* Section 1.a.) which ended in the bodyguard receiving a nominal sentence, was seen by media commentators as indicating that the courts were still subject to political influence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages; however, the Government did not always respect these rights in practice. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for a wiretap before granting the agency permission to proceed.

The law requires that security forces obtain a search warrant from a judge before conducting a search. Security forces were refused warrants because of lack of evidence in several cases. In practice there were charges that searches continued to be made without warrants in connection with the October 1999 killings in Parliament, the 2000 arrest of Arkady Vardanyan (*see* Section 2.b.), and the arrest in 2001 of persons demonstrating against the loss by A-One Plus television of its broadcast frequency (*see* Section 2.a). The Constitution provides that the judiciary must exclude evidence obtained without a warrant, and the judiciary did so in practice.

Unlike previous years, there were no reports that armed forces recruiters detained persons to compel the surrender of relatives who evaded the draft or deserted. However, there were credible reports of improper, forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees were reluctant to complain because they feared reprisals against their sons. Sweep operations for draft-age men no longer occurred, although police at times maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, while the Government generally respected freedom of

speech, there were some limits on freedom of the press, and journalists continued to practice self-censorship. There was no official censorship, publications presented a variety of views, and the opposition press regularly criticized government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization. To avoid repetition of the retribution experienced in the past from powerful officials and other individuals, most journalists continued to practice self-censorship, particularly when reporting on major cases of corruption or national security issues.

On December 28, an unknown assailant shot to death the Chairman of the National Public Television Board, Tigran Naghhdalyan. An investigation began and continued at year's end.

Newspapers were privately owned with the exception of "Hayastani Hanrapetutyun," its Russian-language version "Respublika Armenia" (joint venture between Parliament and the newspapers' staffs) and Respublika Armenia. The state printing house and distribution agency functioned as commercial enterprises, with no visible government intervention. A private printing house was also set up with foreign aid and was utilized by some newspapers during the year. Newspapers operated with extremely limited resources, and none were completely independent of patronage from economic or political interest groups or individuals. Because of prevailing economic conditions, total newspaper circulation was small (40,000 copies, by the Yerevan Press Club's estimates, or approximately one copy per 85 persons). The few international newspapers and imported magazines were not censored.

State institutions that previously exerted control over the media have lost most of their functions. A Department of Information, which existed as a separate entity for several years, became part of the Ministry of Culture by year's end. It had no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers.

Because many people cannot afford newspapers, television was the most widely accessible medium. The President's office continued to influence state television news coverage significantly. The most widely available of the two state-owned television channels, Public TV of Armenia, took policy guidance from the Government. It presented mostly factual reporting but avoided editorial commentary or criticism of official actions. In Yerevan and major regional media markets, private television stations offered independent news coverage of good technical quality. Most of the more than 20 radio stations were private and independent. The quality of reporting on private radio and television stations varied, and they were not inhibited from expressing editorial opinions except by self-censorship. There were no restrictions on reception of satellite television and other foreign media, and they were not censored. There was foreign language programming, although the 2000 Law on Broadcast Media limited the percentage of a station's output that can be in a foreign language.

In April A-One Plus TV, an independent channel whose news reporting was widely watched and on occasion was critical of the Government, lost its operating frequency to another company in a tendering process. Opposition parties claimed the Government silenced the independent channel because of its criticism; however, President Kocharian stated that he wanted to see A-One Plus back on the air and that he had sought compromise solutions that had been rejected by A-One Plus owners, who were holding out for a solution that would acknowledge the fact that they had been unfairly treated. The National Broadcasting Board refused to concede this, stating that the tendering process had been held strictly in accordance with the provisions of the new 2000 Law on Broadcast Media, and that A-One Plus had simply not presented the best tender package. A-One Plus appealed the decision at all levels of the Armenian judicial system and lost. An appeal to the European Court on Human Rights was pending at year's end; however, the decisions of that court are not legally binding in the country.

Since September 2000, the Government has monitored closely the independent television station Noyan Tapan; the station remained off the air pending resolution of financial disputes between company shareholders, the TV channel was taken off the air, and its operating frequency was subsequently awarded to another company in a 2001 tendering process. In response some members of the National Assembly, in defense of the station, called for an end to what they called an "information war" waged by government authorities. In addition to having lost its original frequency in 2001, during the year, the State licensing body turned down Noyan Tapan's application "due to a missing specification of a frequency in the application." Following the State licensing body's failure to notify Noyan Tapan about this omission and to allow ten days for correction as required by the law, the channel appealed the decision to the Court of First Instance, which on December 2 ruled in its favor. However, on December 17, the Appeal Court set aside the lower court's decision, but con-

firmed Noyan Tapan's right to submit tenders in an additional round of bidding scheduled for 2003.

Opposition parties and politicians generally received adequate news coverage and access to broadcast media. In the run-up to the 2003 presidential and legislative elections, they have continued to have free access to media coverage. During the 1999 parliamentary elections, the coverage of political parties on state television and other media generally was balanced and largely neutral. Candidates for single-mandate seats were not entitled to free programming, but there were no restrictions on paid time.

The process of license issuance for broadcast media is strictly governed by the 2000 Law on Broadcast Media, which appeared to be observed in practice, although it was not well understood by some sectors of the media or public.

During 2001 the Parliamentary Standing Committee on Science, Education, Culture, and Youth Affairs worked together with the Yerevan Press Club and the international NGO Internews to bring the Law on Broadcast Media into compliance with the Constitution. In 2001 amendments were passed by the Parliament and signed by the President. While the amendments to the law met many previously expressed concerns by media and human rights groups regarding freedom of the media, it still contains loopholes that could be used to impose greater control on the media by government bodies.

Journalists remained cautious in their reporting, particularly about proceedings in the courtroom, and the range of subjects the Government considered sensitive for national security reasons was large. Some members of the press have been granted access to army facilities and places of detention. However, even in cases where they had such access, permission for media visits was a prolonged and cumbersome bureaucratic process.

In October unknown persons threw a hand grenade at independent journalist Mark Grigorian, causing shrapnel damage to his legs and chest. No arrests had been made by year's end.

Internet access was not restricted.

The Government generally did not restrict academic freedom; however, some professors and administrators practiced self-censorship. There were 75 private institutions of higher education. The curriculum committee of the Ministry of Education must approve the curriculum of all schools that grant degrees recognized by the State, seriously limiting the freedom of individual schools and teachers in their choice of textbooks and course material; however, in practice, enforcement of this stipulation was perfunctory. Seventy institutions were licensed, which gives private institutions equal status with state-run higher institutions, and 5 were not operating by year's end.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Permits are required for demonstrations and marches; however, they were granted routinely.

On May 21, police detained approximately 80 people after opposition political parties staged a rally protesting against closure of A-One Plus television. Most were charged with "participation in public disorder" and either were fined or received an administrative sanction of up to 15 days of detention.

The Constitution provides for freedom of association; however, there were some limits on this right. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and the Government has compelled some human rights and political organizations to revise their bylaws several times in order to have their registrations accepted; however, none had been denied registration for legal reasons during the year. No human rights or political organizations reported problems with registration during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church. The law establishes the separation of church and state, but grants the Armenian Apostolic Church special status as the national church.

The law requires all religious denominations and organizations to register with the State Registry Office based on recommendations from the Cabinet. The State Council of Religious Affairs (CRA), created by presidential decree in the early 1990s to serve as a point of contact between the Government and religious groups, was dissolved by presidential decree in March; it was announced in August that an advisory body attached to the office of the Prime Minister would replace it. The advisory body would include representatives of the Ministries of Defense, Interior, National

Security, Culture, and several other government institutions. The new committee was not recorded as having formally met prior to the end of the year, although informal consultations took place.

A religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. No registered religious group has been denied reregistration under the law, and all existing registered denominations have been reregistered annually except the Hare Krishnas, whose membership is below the membership threshold of 200, and Jehovah's Witnesses. Members of Jehovah's Witnesses were no longer denied registration on the grounds that the group does not permit military service, but rather for "illegal proselytism." The State Council also alleged that its public preaching created dissatisfaction and tension in some communities. During the introduction of the Prime Minister's new advisory committee on religion in August, several members made statements critical of "foreign sects" in general and of Jehovah's Witnesses in particular. According to the leadership of the Yezidi community, appeals on their behalf with respect to alleged discrimination were raised with the previous Council; however, no response by government officials had been forthcoming.

Members of Jehovah's Witnesses continued to experience difficulty renting meeting places and reported that private individuals who were willing to rent them facilities frequently were visited by police and warned not to do so. A Jehovah's Witnesses official stated that during the year there were no such incidents because Jehovah's Witnesses held services exclusively in private houses to avoid confrontations.

The law forbids "proselytizing" (undefined in the law), except by the Armenian Apostolic Church, and bans foreign funding for churches whose centers are outside the country. This ban has in fact not been enforced, and all denominations, including Jehovah's Witnesses, were allowed to advocate their point of view. The ban on foreign funding also has not been enforced and was considered unenforceable by the previous State Council on Religious Affairs.

When shipped in bulk, publications of Jehovah's Witnesses were seized at the border. Although members supposedly are allowed to bring in small quantities of printed materials for their own use, officials of Jehovah's Witnesses reported that mail from one congregation to another, which they said was meant for internal purposes rather than for proselytizing, still was confiscated by customs officials.

Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use; however, large shipments by unregistered groups are prohibited. The law also mandates that religious organizations, except the Armenian Apostolic Church, need prior permission to engage in religious activities in public places, to travel abroad, or to invite foreign guests to the country. Despite these mandated restrictions, in practice there was no restriction on travel by the religious personnel of any denomination, including those that were unregistered.

"Nontraditional" religious groups were viewed with suspicion. On occasion Yezidi children reported hazing by teachers and classmates. Some observers reported increasingly unfavorable attitudes towards Jehovah's Witnesses among the general population, both because they were seen as "unpatriotic" for refusing military service and because of a widespread but unsubstantiated belief that they pay money to the desperately poor in order to obtain conversions.

The press reported a number of complaints lodged by citizens against Jehovah's Witnesses for alleged illegal proselytizing. Jehovah's Witnesses were the targets of religious attacks and hostile sermons by some Armenian Apostolic Church clerics. However, in July a Jehovah's Witnesses official charged by the Procuracy General with "leading young people astray" was found innocent in a September 2001 verdict, and two appeals of the case by the Procuracy, including to Armenia's highest appeals court, were denied.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, most of the country's Muslim population was forced to leave the country. Anti-Muslim feeling persisted among the populace, and the few remaining Muslims in the country kept a low profile. There was no formally operating mosque, although Yerevan's one surviving 18th century mosque, which was restored with Iranian funding, was in practice open for regular Friday prayers on a tenuous legal basis. Although it was not registered as a religious facility, the Government did not create any obstacles for Muslims who wished to pray there.

Many members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. Sixteen members of Jehovah's Witnesses remained in detention and ten were under house arrest. Five members have been arrested and were awaiting their trials at year's end. Members of Jehovah's

Witnesses receiving draft notices continued to report directly to police and turned themselves in as draft evaders, rather than await induction to claim conscientious objector status. Military conscripts who were members of Jehovah's Witnesses were subject to even harsher treatment than other conscripts by military and civilian security officials, because their refusal to serve in the military was seen as a threat to national survival.

Alternative nonmilitary service was not available under current law to members of Jehovah's Witnesses. The Government promised the Council of Europe that it would pass an alternative military service law, and two differing drafts of such a law, one proposed by Parliament's Military Affairs Committee and the other by the Ministry of Defense, were presented to Parliament in September.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government placed restrictions on some of these rights.

The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. However, citizens must negotiate with a sometimes corrupt and inefficient bureaucracy to register these changes. In addition, registration of a residence is difficult, because in order to be registered at a particular residence, a person must be either the property owner or an immediate family member of the owner. Special written permission from the owner of the property, signed by a lawyer, is required to make a temporary or permanent registration of a non-immediate family member.

The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to those persons who possess state secrets, to those subject to military service, to those who are involved in pending court cases, and to those whose relatives have lodged financial claims against them. An exit stamp is valid for up to five years and may be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to travel abroad.

As a result of the Nagorno-Karabakh conflict, particularly within the period from 1988 to 1994, ethnic minorities on both sides frequently have been subject to societal and governmental discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all ethnic Azeris living in Armenia in 1988—approximately 185,000 persons—fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled and gained refugee status in Armenia and Nagorno-Karabakh. As of November 2001, Armenian officials stated that the number of ethnic-Armenians in the country during the year was 264,332. The Government, OSCE, and the United Nations High Commissioner on Refugees (UNHCR) did not provide numbers or any other information on refugees in Nagorno-Karabakh.

The National Assembly passed a law on citizenship in 1995 that provides the right for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the past three years. The UNHCR local office reported that 16,259 ethnic Armenian refugees had been naturalized between 1999 and the end of 2001. By August 6,408 more refugees had acquired Armenian citizenship. A total of 47,614 refugees in the country had been naturalized by year's end.

In 2001 the National Assembly amended the 1999 Refugee Law, which provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. During the year, the Refugee Law was again amended by the creation of temporary asylum, which gives a more determined status to approximately 12,000 ethnic Armenian refugees from Chechnya and Abkhazia. The Government cooperated with the UNHCR and other humanitarian organizations in assisting ethnic Armenian refugees. The Government provides for first asylum. Border officials had little training on asylum issues. Since 1999 there has been an established procedure for the formal recognition of asylum. In some cases, rejected asylum seekers, denied permission for legal residence, were subjected to fines for illegal residence when they attempted to depart the country. However, there were few cases of applications for asylum or refugee status, since most persons used the country as a transit country. Between 1999 and 2001, six persons from different countries were granted refugee status. By August seven more persons had applied for asylum; three persons from Iran and two from Iraq were granted refugee status.

During the year, two new laws were adopted to protect refugees' rights. In July 2001, the National Assembly approved the draft law on political asylum, which

states that political asylum status will be granted only by the president. According to authorities, no one has asked Armenian authorities for political asylum since the law was approved. During the year the National Assembly adopted two new laws that protect the rights of refugees. The laws were the Law on Legal and Socio-Economic Guarantees for Persons Forcibly Displaced from the Republic of Azerbaijan in 1988–1992, and the Law on Refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Serious flaws in the 1998 presidential election continued to restrict the constitutional ability of citizens to change their government peacefully. Substantial breaches of the election law resulted in a lack of public confidence in the integrity of the overall election process. However, 1999 parliamentary elections and by-elections in 2000, 2001, and 2002, although marred by some irregularities, represented a step towards more free and fair elections. Elections in urban areas like Yerevan generally reported fewer problems than those in rural areas.

In both rounds of the 1998 presidential elections, OSCE observers witnessed substantial irregularities. There were unusually high voter turnouts in certain areas, particularly in the second round, and these increases corresponded directly to high vote percentages for then-acting President Kocharian. Based on detailed analyses of the results tracked by observers in certain districts, it appeared that ballot box stuffing, discrepancies in vote counts, the presence of large numbers of unauthorized persons at polling stations, and other fraud practices perpetrated by local power structures inflated the number of votes for Kocharian by more than 100,000 votes in the second round. Kocharian won the second round by approximately 290,000 votes. Some military units were compelled to vote without exception for Kocharian, and officials used pressure to encourage a large turnout for the “official” candidate. There were no legal consequences for electoral fraud. The Government pursued only minor violations, and no penalties were announced. There was no criminal investigation of the amply documented ballot-box stuffing.

The 1999 parliamentary elections and several by-elections during 1999 and 2000 represented a step toward compliance with OSCE commitments, but still failed to meet international standards for free and fair elections. The OSCE’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR) observers voiced most concern over the poor quality of the voter lists, which were often outdated or inaccurate; mistakes in registration and voting by military personnel; problems in the formation of the election commissions and the status of their members; and the presence of unauthorized personnel in precincts during voting and counting procedures. Fourteen criminal cases related to parliamentary election fraud were still under investigation by the Procurator General’s office in 2001. At year’s end, four cases had not been resolved, three had been closed because the perpetrators appeared to be juveniles, six cases had been closed because the perpetrators agreed to pay compensation for damages, and one case went to court and ended in an administrative fine. However, a new case was opened with regard to the October 20 municipal elections, which remained pending at year’s end. Nonetheless observers from OSCE/ODIHR categorized the 1999 Parliamentary elections as a step towards compliance with OSCE commitments, and noted improvements in the electoral framework and the rights of freedom of association, freedom of assembly, and freedom of expression. In many precincts, election officials, candidates’ proxies, and domestic observers worked together to provide transparent voting and counting procedures.

The May 1999 elections took place under a new electoral code that represented an improvement compared with previous legislation and incorporated some recommendations of international organizations. For example, the code provides for the accreditation of domestic nonpartisan observers, and provides for the courts to address electoral complaints during the campaign rather than after results are announced.

In a July 1999 by-election in Yerevan’s Achapniak district, violence erupted when armed supporters of one of the candidates beat and opened fire on supporters of another candidate. The Central Elections Commission (CEC) suspended this vote and declared it invalid. A criminal investigation resulted in the arrest of 12 persons. According to the Procurator General’s office, all 12 eventually went to prison for the Achapianak disturbances; of those, 8 were sentenced to two years each, while the remaining four got probationary terms of 16 to 20 months and were released on probation. Ten of these individuals were released under the June amnesty. The

Achapniak by-election subsequently was held again—the two candidates involved in the altercation were removed from the ballot—and took place without incident.

Several Parliamentary by-elections were held during the year and in 2001. Most of the by-elections were carried out peacefully; however, after hearing extensive evidence about irregularities in Yerevan's Arabkir district, the Constitutional court ordered the cancellation of the results in the May 2000 by-election. The election was held again in July 2000, and a different candidate won. An appeal by the winner of the first election was considered but rejected in July 2000 by the CEC. Two by-elections for parliamentary seats held in May were peaceful according to observers; however, there continued to be problems with voter lists. The second-place finisher in a race in Lori province filed suit, alleging widespread confusion and fraud, and the court agreed and ordered the results voided and the race re-run. However, in the second round, only the winner of the first round registered, and he was declared the winner by default.

In October municipal elections and elections to local governing councils took place peacefully and without incident. Observers from the Council of Europe and OCSE characterized them as an improvement over previous elections. However, some problems remained, including: Incorrect voter lists to a lesser extent than in previous years, confusion about proper procedures, particularly in some smaller towns—alleged pressure of voters by supporters of candidates.

In October 2001, the first national census since the Soviet era was held. While there were political concerns about the integrity of the process, whose results were used to create new electoral districts, foreign observers testified that the methodology used was acceptable and that the final result, which showed a population slightly over three million, was accurate in their view.

The National Assembly (Parliament) consists of 131 deputies; under amendments to the Electoral Code passed this year, 75 are elected on a proportional basis and 56 on a district-by-district majoritarian basis, a reversal basis of the proportions in the old law. Regular sessions of Parliament are held twice a year: The first from mid-September to mid-December, and the second from early February until mid-June. Given the large amount of legislative business, special sessions frequently are called, but may not last more than 6 days. The nominal majority in Parliament is made up of a coalition called Unity, which includes the two parties that gained the most votes in the May 1999 Parliamentary elections: the Republican Party and the Peoples' Party. The coalition still formally existed but had become largely inoperative after 2000 due to disagreements between the two parties, with the People's Party usually opposing the Government. The Government has maintained a majority for most of its proposals by adding to the votes of the Republicans those of a number of smaller parties such as the ARF/Dashnaks, Orinats Yerkir, and a large number of independents, including those in a bloc called the Agro-Technical Peoples' Union. In 2000 this bloc split and the minority faction renamed itself "Peoples Deputies"; however, both factions continued to support the Government. Some deputies from the Unity coalition left the coalition during 2000 over policy differences, and during 2001 formed the new Republic Party, which opposed the Government on most issues, and which has reduced, but not eliminated, Unity's majority. During the year, the Speaker of Parliament and one deputy speaker formally left the People's Party and became independents.

Amendments to the Electoral Code, passed in July—in addition to reversing the percentages of proportional (party list) versus majoritarian (single mandate) seats—include the following changes: abolishing the Regional Election Commissions, which had been largely dormant; mandating that local authorities must update electoral rolls every six months in addition to just before elections; ordering that parties which are not represented in Parliament will not be represented on the CEC; allowing draftees and trainees in the armed forces (but not officers) to vote in nationwide elections (i.e., in presidential and in party-list legislative elections, but not single-mandate legislative or local elections); and providing that members of the CEC appointed by the President or political parties cannot be removed from office until 30 days after the next election except for just cause. However, a number of amendments which would have enhanced election transparency failed. It was also announced that municipal elections would be held on October 20, that the next presidential election would take place on February 19, 2003, and that the next legislative general election would take place in May 2003, possibly at the same time as the referendum on a proposed package of constitutional amendments.

The executive branch appoints the 10 regional governors (marzpets) and the mayor of Yerevan. The Constitution gives local communities the right to elect local authorities. Local elected officials have limited powers, but were allowed to levy taxes. They were somewhat overshadowed in practice by the appointed governors,

who can remove them from office but seldom did so. Some local officials were corrupt and subjected to pressure from superiors.

There were no female cabinet ministers, although there were several female deputy ministers. Only 4 of the 131 deputies in the Parliament were female. The population of the country is at least 95 percent ethnic Armenian, and there were no ethnic minority representatives in the Cabinet or in the Parliament, although they are not prohibited from running and have run for office.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Public access to information on human rights cases was adequate, and there was extensive media coverage of significant court cases; however, civilian and military prosecutors have been less open since the October 1999 shootings.

Nongovernmental human rights organizations often reported funding difficulties. During the year, several local NGOs received government permission to visit detention facilities (*see* Section 1.c.).

As part of the commitments it made in advance of joining the Council of Europe (COE), the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retained full access to civilian detention facilities. An office created by the Procurator General in July 2001 to communicate with international observers was responsive to requests for information. Information about criminal cases stemming from election fraud remained incomplete.

Existing electoral law allows local and international observer organizations to monitor all elections, and such organizations reported no impediments to their observation of the 1999 elections and the 2000, 2001, and 2002 by-elections (*see* Section 3).

In 1998 President Kocharian appointed a prominent opposition politician, Paruyr Hairikyan, to head a new human rights commission within the President's office. The commission exists essentially as a reference bureau and has no formal legal powers; however, it has had a modest impact in persuading authorities to review official actions on problems ranging from apartment allocations to police behavior, in some cases winning official reconsideration. The commission refers such cases to the appropriate agency, but it does not follow up on specific issues. During the year, the commission was successful in implementing prison reforms, with the help and support from several of its members. The commission also visited military units and prisons and held open hearings on abuses in the army. The commission also visited those accused in the October 1999 killings, visited the Gyumri jail to check its condition, and frequently checked on military units to hear human rights complaints by soldiers. Hairikyan resigned his post as head of the Commission mid-year and announced his candidacy for president in the 2003 elections. The Parliamentary Commission on National Security, Defense and Interior, headed by Vahan Hovhanissian, made regular visits to military units to hear complaints by soldiers as well.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, gender, disability, language, or social status; however, cultural and economic factors prevented women, ethnic minorities, and persons with disabilities from participating fully in public life.

Women.—There is no specific law banning violence against women and a few cases of spousal abuse, or other violence against women were reported during the year; however, such violence is believed to be more widespread than statistics indicate. According to an opinion poll conducted in 2000 by a local NGO, 50 percent of Armenian women have been victims of domestic violence, although other local NGOs claimed that the percentage is lower. The problem of battered wives is much more widespread than the Government or local human rights groups would admit. Many cases were not reported to police because victims were afraid of physical harm if they did so, fearful that police would refuse to take action and instead return them to their husbands, or embarrassed to make “family matters” public. Embarrassment and concerns for family honor made the problem particularly sensitive and difficult to quantify; women's groups and health professionals also declined to offer specific figures. The Procurator General's office stated that 17 women were killed in 2001; however, the office did not specify how the crimes were committed. Fifty-five women

were victims of rape or killings. Several NGOs exist in the Yerevan and Gyumri areas, and in Martuni, and provide shelter and assistance to battered women.

By the end of October, the authorities registered 28 cases of rape. However, observers believe the actual number of rapes to be higher. The law cites specific punishments for rape. By June 2001, 12 persons had been convicted for rape. Twenty-seven women were killed, and three were arrested and charged with homicide.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped by police simply are sent to a hospital or physician for a medical check-up. Although the Criminal Code does not forbid prostitution itself, operating brothels is prohibited. According to an investigation conducted by journalists more than 1,500 prostitutes were registered by the police, most of them in the Yerevan area. A study of Yerevan prostitution conducted by local journalists in 2000 showed that while some operated by telephone, the vast majority of prostitutes were what is known as streetwalkers, with their "class" and desirability defined by the area of the city in which they operated.

Trafficking in women abroad was a problem (*see* Section 6.f.).

The law does not specifically prohibit sexual harassment; however, some articles in the criminal code address different aspects of sexual harassment. Cases of sexual harassment are not considered to be worthy of legal action by society.

Men often played a dominant role in many societal institutions, although among younger persons it was more common for women to take an active role. Although women have been present in the work force for several generations, tolerance for broadening their roles or behavior was low, particularly among older people and in the rural regions. In the workplace, women received equal pay for equal work, but generally were not afforded the same professional opportunities given to men, and often were relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate made it difficult to gauge how effectively the law was implemented. According to official statistics, women made up 66.4 percent of those officially registered as unemployed (approximately 90,000) and comprised two-thirds of the total number of unemployed. In the past, labor unions protected women's rights in the workplace, at least nominally, but the weakness of unions has made them less effective (*see* Section 6.a.). More women than men were enrolled in university and postgraduate programs. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitated a high number of men being in military service, and in part by the economic situation, which had caused men to emigrate in search of employment.

Children.—The Government did not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 14, then optional through age 16 (complete secondary education). Girls and boys received equal educational opportunities. However, many facilities were impoverished and in poor condition, and teachers were forced to tutor pupils privately to supplement salaries that were low and paid irregularly. Some teachers were known to demand bribes from parents in return for good or passing grades for their children. Free children's health care was available for all children through the age of eight for treatment of some diseases and for emergency care, but often was of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued. In the Yezidi community, a high percentage of children did not attend school, partly for family economic reasons and partly because schools lack Yezidi teachers and books in their native language.

The Government focused its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's poor economic conditions. The Government directed foreign humanitarian aid programs toward the most socially vulnerable families and single-parent families.

Despite social programs, the number of street children increased. A local NGO reported that there were approximately 900 homeless children during the year and that the number was growing every year; however, government officials estimated the number of children to be between 600 and 700 (including 300 homeless children in Yerevan). Child abuse of street children did not appear to be a serious problem. Trafficking in girls continued to be a problem (*see* Section 6.f.).

Persons with Disabilities.—The Constitution provides for the right to social security in the event of disability, and the law provides for the social, political, and individual rights of persons with disabilities; however, the Government's enforcement of the rights of persons with disabilities remained rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. Hospitals,

residential care, and other facilities for serious disabilities were substandard. There was societal discrimination against persons with disabilities.

Expenditures for the health sector in 2001 increased by 27 percent (according to official statistics) during the year, and budget allocations were \$33.8 million (approximately 18 billion drams). However, despite these increases, in 2001 there were no improvements in the provision of benefits and services to persons with disabilities. During the year, expenditures decreased by 17 percent to \$28 million (16.1 billion drams). According to official statistics, the social sector budget, which among other social payments and expenditures covered the needs for persons with disabilities, was budgeted at \$47 million (27 billion drams) in 2001 but this year it decreased by four percent. According to the Ministry of Social Welfare, in 2001 approximately \$7.4 million (400 million drams) was directed towards support for persons with disabilities, which included pensions, prostheses, and wheelchairs. The amount represented approximately 32 percent of the Ministry's budget, and remained at approximately the same level this year.

The law as well as a specially mandated government decree have special provisions that require accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities were accessible to persons with disabilities.

National/Racial/Ethnic Minorities.—The population was approximately 95 percent ethnic Armenian. The Government did not discriminate against the small, officially recognized “national” communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. The Government included in the category of “national” communities were Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Assyrians, Georgians, Greeks, and Germans. As a result of the Nagorno-Karabakh conflict, there was no significant Azeri minority (*see* Section 2.d.). Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintained a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the law provides linguistic minorities with the right to publish and study in their native language. There were token publications in minority languages, but the Government devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has diminished significantly. In practice virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very limited classes available in their native tongues.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number had been estimated at 20,000 by Yezidi leaders (down from 60,000 Yezidis registered in the 1988 population census, due to emigration) speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. Yezidi leaders cited numerous incidents of unfair adjudication of land, water, and grazing disputes, nonreceipt of privatized agricultural land, an unusually high number of beatings of Yezidi conscripts in the army, and lack of police response to serious crimes committed against Yezidis by other citizens (*see* Section 1.c.). The Yezidi complaints likely reflected societal discrimination as well as the more general problem of poorly functioning local and central government bodies, particularly regarding national minorities. Members of the Yezidi Community also tried to address their grievances with the State Commission on National Minorities, but subsequently claimed that all their attempts have been ignored.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides employees with the right to form and join trade unions although it stipulates that the right to form associations, including political parties and trade unions, may be limited for those persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy. The absence of active unions and of accurate employment data precluded a reliable estimate of the percentage of the workforce that is unionized.

Unions are free to affiliate with international organizations; however, none had done so at year's end.

b. The Right to Organize and Bargain Collectively.—Although the Law provides for the right to organize and bargain collectively, collective bargaining was not practiced. Voluntary and direct negotiations did not take place between unions and employers without the participation of the Government, because many large employers remained under state control.

The Government encouraged profitable enterprises to establish their own pay scales. Factory directorates generally set the pay scales without consultation with employees. Labor disputes were arbitrated in regular or economic courts.

The Constitution provides for the right to strike; however, workers had neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions played a relatively passive role.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the law prohibit forced and bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the law, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board. The law was enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over six hours of work per day, although children 16 years of age or older may apply for waivers in the latter two cases.

According to the Ministry of Social Welfare, some children up to the age of 12 years were involved in family businesses, as well as some other business activities such as agriculture where such activity is not forbidden by law. Children are forbidden specifically from engaging in arduous, or dangerous employment, even if it is their family's business, without permission by the Ministry of Social Welfare. The Ministry granted such permission only on a case-by-case basis and only for children 12 years of age or older.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The Government sets the minimum wage by decree. The monthly minimum wage was \$9 (5,000 drams) and was insufficient to provide a decent standard of living for a worker and family. The majority of the population (approximately 54.7 percent) lived below the poverty line of \$2 (480 drams) or less income per day, and approximately 23 percent of the population were considered extremely poor (at less than \$1 a day, or 590 drams a day) as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 Spitak earthquake, the conflict in Nagorno-Karabakh, and disruptions in trade resulting from a blockade by Azerbaijan and Turkey. A significant amount of economic activity, as much as 40 percent, took place without being recorded or taxed by the local authorities. The extent to which this affected the overall economic situation was unknown; however, a substantial number of poor persons and a small wealthy elite existed in the country.

The majority of industrial enterprises either were idle or operated at a fraction of their capacity. Some furloughed workers continued to receive minimal partial compensation from their enterprises, but most no longer received any payment if they were not working. Under the law, if an employee loses his or her job, two month's salary must be paid as compensation.

The standard legal workweek was 40 hours; however, many persons worked multiple jobs in order to provide for basic necessities. The law provides for annual and sick leave; however, there were no mandated rest periods. Compensation for overtime work was required; the amount depended on the position and type of employment.

The Constitution provides citizens with the right to clean and safe workplaces. Soviet-era occupational and safety standards remained in force; however, in practice conditions were inconsistent. Labor legislation places responsibility on the employer and the management of each firm to ensure "healthy and normal" labor conditions for employees, but it provides no definition of these conditions. Workers were reluctant to complain or remove themselves from hazardous working conditions as they risked losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, although it does prohibit exploitation by force of persons for financial gain; trafficking in women and girls abroad for prostitution was an increasingly significant problem. There were reports that corruption by government officials facilitated trafficking.

There is no specific law prohibiting trafficking in persons, although traffickers may be prosecuted under different articles of the Criminal Code: For example, illicit seizure of non-property documents (passports or other personal documents), as well as illicit use of these documents, may be punished by imprisonment up to a year; falsification and selling of documents, by imprisonment up to five years; pandering,

by imprisonment up to five years; bogus marriage and bogus divorce with mercenary ends or other reasons, by imprisonment up to a year; extortion (coercion of a person, or coercion by publishing compromising information about a person), by imprisonment from two to four years; and coercing of a woman to perform sexual intercourse by a person on whom this woman is financially (or economically) dependent by imprisonment up to seven years. By year's end, legislation pending before Parliament would ratify the U.N. Protocols on International Crime and Trafficking in Persons and would provide for prosecution of those engaging in such practices for profit. The criminal code specifically prohibits keeping brothels, although prostitution itself is legal. By October there had been 22 indictments for procuring. By year's end, 19 of these were under investigation; 3 were closed for lack of evidence; and 1 was being jointly investigated with German law enforcement bodies.

Police officials announced the investigation of numerous cases of procuring prostitutes but stated that they were unable to arrest the main offenders because they resided in the Middle East rather than in the country. An extradition treaty with the United Arab Emirates was signed this year. There have been few cases in which traffickers were prosecuted. Some officials from the Ministry of Interior complained that courts easily acquitted procurers or sentence them to only minor administrative punishment and fines. In addition, victims usually were the main witnesses and were often reluctant to come forward out of fear of violent retaliation. Reliable information on trafficking has been difficult to obtain.

Armenia was a country of origin for trafficking, which represented more of a problem than the Government and women's organizations have until recently been willing to acknowledge openly. Although specific information on trafficking was difficult to obtain, an International Organization for Migrations (IOM) report estimated that every year approximately 700 women and girls are trafficked, primarily to act as prostitutes, to the United Arab Emirates and other Gulf States, as well as to Turkey, Russia, Germany, Greece, and other European countries. Women primarily were trafficked from the Yerevan, Gyumri, and Vanadzor areas of the country. An IOM report released during the year stated that of 59 women and girls returned to the country, 43 were trafficked.

Young women and girls from socially vulnerable groups all over Armenia and Nagorno-Karabakh were the primary targets of traffickers. Trafficked persons often were lured by jobs abroad offered through recruiters and informal channels, tourism firms and some media. Reportedly, there were cases in which older girls from orphanages and poor families were sold to wealthy men in Dubai. An orphanage run by a religious group reported that older girls have been approached by relatives urging them to "earn their share" for the family by engaging in prostitution. However, most parents and relatives were convinced that they were sending such children to work in the UAE or elsewhere as models, dancers, waitresses, or domestic servants. Traffickers themselves were often ex-prostitutes or pimps who have already established "good working contacts" in the country of destination. They were well organized, have connections with local authorities and were supported and protected by criminal gangs. Most potential victims were approached by persons whom they personally know (friends of friends, relatives of relatives, neighbors, etc.), or by travel agencies. Most often, recruiters told victims that they would be working as babysitters, waitresses, or cleaning ladies. Only a few of the victims knew before departure that they would work as prostitutes, but even these did not realize that they would have their documents and money confiscated and that they would be pressured to receive numerous clients every day to maximize their employer's profits. To tighten control over their "staff" procurers threatened to burn victims' passports or to inform police about their "business."

Some NGOs and experts insisted that local police officers, border guards and customs officers were involved in trafficking by accepting bribes from traffickers in exchange for tolerating their business.

According to international NGOs, the Government appeared to be focusing more on prostitution within the country than on trafficking of victims abroad. However, the Government has begun to acknowledge and take action on the problem.

There were no trafficking prevention programs run by the Government. The Government indicated to IOM that Armenia would join the U.N. Convention on Transnational and Organized Crime and two U.N. Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children by the end of the year. In November 2001, the Government acceded to the convention and two protocols. Upon ratification the protocols automatically would supersede all previous trafficking-related laws. Armenian law enforcement authorities and the Procuracy General cooperated with foreign countries in particular cases when assistance and information exchange were necessary, including trafficking cases.

There were also some women's NGOs that raised public awareness of this problem and obtain funding for assistance programs. However, as of midyear there were no NGO-sponsored assistance programs to provide counseling and assistance for victims. The Government's Office of Refugees and Migration operated a hotline and produced a journal giving information on traveling abroad, and a gender-working group chaired by the Minister of Social Welfare participated in discussing methods of prevention. There were also public service announcements aired on national television. In September the Government formed an interagency working group, which, in October, became the formal Interagency Commission on Human Trafficking, and has cooperated with several international groups, particularly OSCE, IOM, UNICEF, UNDP, as well as local NGOs. These efforts focused on three areas: Increasing public awareness of the problem and warning young women and girls of the strategies used to lure them into prostitution; increasing awareness of the problem among law enforcement agencies as well as the prosecution of traffickers; and working with social agencies to provide care and treatment for victims of trafficking.

AUSTRIA

Austria is a multiparty parliamentary democracy in which constitutional power is shared between the popularly elected President and the 183-member Parliament. Citizens choose their President and representatives in periodic, free, and fair multiparty elections. In 1998 President Thomas Klestil of the Austrian People's Party (ÖVP) was elected to a 6-year term. In parliamentary elections in November, the ÖVP received a plurality and began negotiations with the other parties to form a government. The judiciary is independent.

The civilian authorities were subject to the effective control of the executive and judicial authorities. The national police maintain internal security, and the army was responsible for external security. The police were well trained and disciplined; however, there were reports that police committed some human rights abuses.

The country's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism, affords the approximately 8.1 million citizens a high standard of living. The per capita gross national product (GDP) was \$23,328 in 2001. GDP grew by approximately 1 percent during the year; there were no serious inequalities in the distribution of income.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse, threats, and harassment. Foreign observers criticized the strict application of slander laws as detrimental to press reporting. There was some governmental and societal discrimination against members of some nonrecognized religious groups, particularly those considered to be sects. Violence against women was a problem, which the Government took steps to address. Interior Ministry statistics for the year showed a similar number of neo-National Socialist, rightwing extremist, and xenophobic incidents as the previous year. Trafficking in women for prostitution remained a problem, which the Government took steps to combat. Austria was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior. The three police officers involved in the death were given suspended 8-month sentences for negligence in the death of a person under dangerous circumstances (*see* Section 2.d.).

The request by the Justice Ministry for the extradition of terrorist Illich Ramirez Sanchez (alias "Carlos the Jackal") from France has been pending since 1994. Sanchez is wanted on charges of manslaughter, kidnaping, and blackmail in connection with the terrorist attacks at the Organization of Petroleum Exporting Countries' (OPEC's) headquarters in Vienna in December 1975. During the year, there was no progress in efforts to secure Sanchez's extradition.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were occasional reports that at times police beat and otherwise abused persons. Government statistics for 2001 showed 1,174 complaints against federal police officials; of those, 1,158 were dropped. One officer was convicted of using unjustified force; 74 cases were pending at year's end. Types of abuse ranged from slander to kicking and hitting, which resulted mainly in bruising. Some of the violence appeared to be racially motivated. An Interior Ministry survey conducted in 2000 on the "ethics of police conduct" revealed that half of the 2,000 policemen interviewed stated that they would not report their colleagues in cases of misconduct.

Nongovernmental organizations (NGOs) and other groups continued to criticize the police for targeting minorities. In 2001 the European Commission Against Racism and Tolerance released a report that was critical of police treatment of black Africans (*see* Section 5). During the year, the Interior Ministry's racial sensitivity training programs for police and other officials continued to be conducted with NGO assistance (*see* Section 5).

In 1999 the Interior Ministry created a committee to ensure that the police and gendarmerie respected human rights while carrying out their duties. Since its founding, the committee has issued 6 reports, including 222 recommendations regarding the improvement of human rights in the country (*see* Section 2.d.). The Government adopted many of the Committee's recommendations; for example, the publication of the Committee's report on deportation led to a reform of the Government's deportation procedures.

In March U.N. authorities detained a U.N. peacekeeper serving in Kosovo for beating and threatening to kill a man in police custody in Kosovo. The suspect was accused of hitting an Albanian detainee in the stomach and forcing him to dig a hole for his grave. After the incident, a public prosecutor in Kosovo applied to have the suspect's immunity lifted. Before a decision could be made and before the case could be investigated, the suspect was repatriated to Austria for health reasons. Subsequently, his immunity was lifted, and the Government of Kosovo has requested the suspect's extradition back to Kosovo for trial. The U.N. Special Representative of the Secretary General for Kosovo, Michael Steiner, heavily criticized the Government for its intervention. The Government was investigating the case at year's end.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Male and female prisoners were held separately, as were adults and juveniles. Pretrial detainees were held separately from convicted criminals. The Government permits prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these prohibitions.

In criminal cases, the law provides for investigative or pretrial detention for up to 48 hours; an investigative judge may decide within that period to grant a prosecution request for detention of up to 2 years pending completion of an investigation. The grounds required for such investigative detention are specified in the law, as are conditions for bail. The investigative judge is required to periodically evaluate an investigative detention. There is a system of bail.

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The Constitution provides that judges are independent in the exercise of their judicial office. Judges cannot be removed from office or transferred against their will. There are local, regional, and higher regional courts, as well as the Supreme Court as the court of highest instance. While the Supreme Court was the court of highest instance for the judiciary, the Administrative Court acted as the supervisory body over the administrative branch, and the Constitutional Court presided over constitutional issues.

The Constitution provides for the right to a fair trial and an independent judiciary generally enforced this right. The system of judicial review provides for extensive possibilities for appeal. Trials must be public and must be conducted orally. Persons charged with criminal offenses were considered innocent until proven guilty.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, the Government generally respected these prohibitions in practice, and violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government generally respected these rights in practice; however, the strict application of slander laws tend to discourage reports of police brutality, and foreign observers—including the European Court of Human Rights—criticized the use of libel procedures to protect politicians, which they argue hampered freedom of speech and the press. For example, since 1986 Joerg Haider, Governor of Carinthia and former Freedom Party (FPÖ) national leader, engaged in over 350 libel suits against media outlets and individuals. A conviction for libel by a criminal court cannot be appealed to the Supreme Court. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases were extremely rare.

In 2000 several FPÖ politicians were accused of paying police officers to obtain confidential information in order to discredit opponents of the FPÖ. In September former FPÖ Trade Unionist Joseph Kleindienst and former Vienna FPÖ Secretary Michael Kreissl both received suspended sentences of 6 months each. Kreissl appealed the decision. Critics claimed that justice authorities did not actively pursue the investigation due to the involvement of politicians connected with the Government.

The small print media consisted of 16 daily newspapers, 6 of which received special subsidies from the Government. One company Newsgroup controlled 55 percent of the market in daily newspapers and 70 percent of the magazine market. This market concentration has led to complaints of a print media monopoly. The country's largest daily newspaper also owned shares in private nationwide radio stations. All newspapers were independent. There were 50 commercial and 12 noncommercial radio stations. By year's end, 75.5 percent of citizens listened to radio stations operated by the state-owned public broadcasting system, and 19.9 percent listened to private stations. In August 2001, Parliament passed the Private TV Act and the Austrian Broadcasting Corporation (ORF) Reform Act. These acts established a new media regulatory body known as KOMM Austria to prepare for the introduction of private television stations. The first private cable station, ATV, went on the air in January 2000. It held a market share of approximately 4 percent. The new legislation requires private broadcasters to lease transmitter stations from ORF, although it does not specify the price of the lease or the time frame for concluding a leasing agreement. Private broadcasters criticized ORF for hindering the private television market by not concluding such leases.

Access to the Internet was unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. However, the Law on the Formation of Associations states that permission to form an organization may be denied if it is apparent that the organization would pursue the illegal activities of a prohibited organization, such as Nazi organizations; there were no such denials during the year.

Regular peaceful demonstrations against the OVP/FPÖ government continued throughout the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations may be divided into three different legal categories (listed in descending order of status): Officially recognized religious societies, religious confessional communities, and associations. Religious recognition under the law has wide-ranging implications, such as the authority to participate in the mandatory church contributions programs, which can be legally enforced; to engage in religious education; and to bring in religious workers to act as ministers, missionaries, or teachers. Under the law, religious societies have "public corporation" status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to other religious organizations. The Constitution singles out religious societies for special recognition.

The Roman Catholic Church was the predominant church in the country. Approximately 78 percent of the population belonged to this church. There were 11 other officially recognized religions. The law also allows nonrecognized religious groups to seek official status as confessional communities without the fiscal and educational privileges available to recognized religions. Confessional communities must have at least 300 members, and once they are recognized officially as such by the Government, they have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. A religious organization that seeks to obtain this status is subject to a 6-month

waiting period from the time of application to the Ministry of Education and Culture. The law also sets out additional criteria for eventual recognition such as a 20-year period of existence as a religious society, at least 10 of which must be as a group organized as a confessional community and membership equaling at least two one-thousandths of the country's population. Many religious groups and independent congregations did not meet the 300-member threshold for registration as a confessional community.

There were 11 religious groups that have constituted themselves as confessional communities according to the law. After initially filing for confessional community status, the Church of Scientology and the Hindu Mandir Association withdrew their applications in 1998. A decision on the application of the Sahaja Yoga group was pending before the Constitutional Court at year's end. Numerous religious groups not recognized by the State, as well as some religious law experts, dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition obstruct claims to recognition and formalize a second-class status for nonrecognized groups. Experts have questioned the law's constitutionality.

In 2001 Jehovah's Witnesses filed an appeal with the Administrative Court, arguing that the 10-year period of existence required under the law to be recognized as a religious group is illegal on administrative grounds. In 1998 they also filed a complaint with the European Court for Human Rights, arguing that the group had not been granted full status as a religious entity under the law, despite having made numerous attempts for more than 2 decades. Decisions in both cases remained pending at year's end.

Religious organizations that do not qualify for either religious society or confessional community status may apply to become associations. This status is granted relatively freely.

The Government continued its information campaign against unrecognized religious sects that it considered potentially harmful to the interests of individuals and society, although the Ministry for Social Security and Generations was no longer issuing its brochure on nonrecognized religious groups. The Federal Office on Sects continued to collect and make available information on organizations considered sects. Under the law, this office has independent status, but its head is appointed and supervised by the Minister for Social Security and Generations.

In March the Catholic Diocese of Linz, in conjunction with the provincial government of Upper Austria, publicly distributed a CD-ROM entitled "The Search for Meaning: An Orientation Guide to Organizations that Offer the Solution," which contained a strong endorsement by the Deputy Governor of the province. The information also was available on their website. It included information on a wide range of recognized and unrecognized religions ranging from the Roman Catholic Church to the Church of Scientology. It also contained criticism of recognized religions such as the Church of Latter Day Saints and religious associations such as Jehovah's Witnesses. It was criticized by unrecognized religious groups who found it derogatory and offensive to be associated with Satanic cults; the CD-ROM included a testimonial from a former member of Jehovah's Witnesses.

The Governor of Carinthia, Joerg Haider, repeatedly made intolerant and anti-Semitic statements, including verbal attacks against the head of the Jewish community, Ariel Muzicant, and a prominent Jewish-American campaign advisor to the Vienna local elections in March 2001. Although Haider repeatedly followed such statements with expressions of regret, his statements contribute to the widespread belief that he and some extreme elements of the FPÖ have helped foster a climate of intolerance in the country. Muzicant has filed several lawsuits against Haider for slander as a result of the comments. In January Muzicant and Haider settled their legal disputes with a joint declaration that includes five "statements of respect," and stipulates that Haider withdraw his slanderous remarks. On April 3, the Jewish and Islamic communities released a joint statement calling for an end to the violence in the Middle East. The declaration voiced concern for the recent spread of violence between Jews and Muslims in Europe. The statement was organized by government officials and viewed as a symbol of the tolerance and history of cooperation between Jews and Muslims in the country.

There was widespread societal mistrust and discrimination against members of some nonrecognized religious groups, particularly those considered to be sects. A large portion of the public perceives such groups as exploiting vulnerable persons for monetary gain, recruiting and brainwashing youth, promoting antidemocratic ideologies, and denying the legitimacy of government authority. Societal discrimination against sects was, at least in part, fostered by the Government's policy of selective recognition. Muslims complained about societal discrimination such as verbal abuse and hostile treatment.

Sensitivity to members of the Church of Scientology and fears of infiltration remained high. Individual Scientologists were subjected to discrimination in hiring during the year. Scientology leaders complained that the church's bank account was closed without cause and that they did not receive permission to set up an informational tent in downtown Vienna.

One Jewish cemetery was desecrated during the year. The incident occurred in Lower Austria and caused approximately \$3,000 (3,000 euros) in damage. Police did not identify any suspects. In addition, in December the Muslim section of the city cemetery in Traun was vandalized. Approximately 40 gravestones were broken, torn out, or destroyed. At year's end, there were no suspects.

The OVP's position that party membership is incompatible with membership in a sect remained in force at year's end.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The OVP/FPO coalition reached an agreement in August 2001 on immigration quotas and a new system of immigrant integration. Beginning in January, annual immigration quotas were set at approximately 8,000 persons per year, although there was a shift in the distribution among the categories. In July Parliament adopted an immigration reform proposal that would harmonize residence and employment provisions and require permanent legal residents to take German language and civics courses for the purpose of integration; it is scheduled to take effect in January 2003. Those immigrants who fail to complete the courses by various deadlines would face financial penalties and deportation or expulsion. The law would limit employment-based immigration categories to key qualified employees and low-skilled workers and expand the definition of temporary seasonal worker to include industries beyond agriculture and tourism. In 2001 the number of illegal aliens intercepted at national borders was 48,659, a 6.4 percent increase over the previous year, attributed almost exclusively to the number of trafficked aliens from Afghanistan (7,665) (see Section 6.f.).

The law includes provisions for granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government subscribes to the safe third-country concept, which requires asylum seekers who enter illegally to depart and seek refugee status from outside the country. In response to continuing criticism by the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, in 1997 the Government passed an amendment to the 1991 asylum law designed to bring some improvements to the safe country rule and the appellate procedure. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR and other humanitarian organizations generally approved of the 1997 asylum law, but there was still some dissatisfaction with its implementation. There was widespread opposition to the third country concept based on the fear that it compromised the principle of individual investigation of claims. This principle has been upheld in various rulings of the administrative court. In July Parliament adopted an amendment to the 1997 Asylum law, which would make the European Union (EU) fingerprint database EURODAC operational in 2003.

In principle asylum applicants are entitled to federal assistance for food, shelter, and medical care (provided that a person's identity can be determined). However, the Federal Care Provisions Act specifically states that there is no corresponding legal right for applicants. The result was that asylum applicants denied assistance have no legal recourse.

In the past, the Government effectively granted assistance to only one-third of all asylum applicants who faced financial hardship. However, in a controversial decree that took effect on October 1, the Interior Ministry prohibited members of certain nationalities from state shelters while their asylum claims were being adjudicated. In October asylum seekers conducted hunger strikes and sit-down protests in a refugee camp to protest the rules. Exceptions included Kosovo Serbs, Chechens, Iraqis, Afghans, and Turkish Kurds, who are allowed a longer stay in the state housing complexes. Human rights groups and some political parties in the country criticized the rule, alleging that it would result in homelessness and would make fair hearings impossible. Some human rights groups, such as Caritas, announced that they would accommodate refugees turned away by the Government. The Government contracted with a private German agency, European Homecare, to provide counseling to unsuccessful asylum applicants, encouraging them to return to their country of origin. Persons found to be refugees were not returned to the countries from which they

fled. Asylum seekers whose claims have been rejected by the Federal Asylum Office were allowed to appeal to the independent Federal Asylum Senate, then to the Administrative Court. Asylum seekers whose claims have been rejected also had recourse to the Constitutional Court in cases in which they allege a breach of the European Convention on Human Rights and Individual Freedoms.

During the Kosovo crisis, the country accepted an estimated 10,000 to 15,000 refugees. A total of 5,080 Kosovar Albanians were evacuated directly from Macedonia and admitted to Austria under cover of temporary protective status (TPS). The immigration law was modified to allow Kosovar Albanians already in the country in a variety of statuses to extend their stay. A program of assistance for Kosovar refugees, which began in April 1999, ended in July 2000. At that time, the Government decided to secure further residence rights for the approximately 1,200 Kosovar Albanians that remained in the country in a variety of statuses. In addition, residence rights were extended to those needing protection, immediate relatives of guest workers who had benefited from the original assistance program under either TPS or asylum, and Kosovars who had stayed in the country until July 2000 under either TPS or asylum—provided that one immediate family member was integrated into the labor market. According to 2001 statistics, a total of 1,934 Kosovo-Albanians in the country had applied for humanitarian residence status temporarily until new immigration quotas become available.

During the first half of the year, there were 17,084 asylum applications, compared with 14,995 received in the same period in 2001. This number includes the 5,622 applications that embassies abroad received with approximately 5,000 of these applications filed by citizens from Afghanistan. Asylum applications had increased sharply in 2001 to a total of 30,135, compared with 18,284 in 2000. In 2001 authorities approved 1,152 applications and denied 3,840 requests; government statistics show 1,002 approvals and 4,787 denials in 2000. The official approval rate for 2001 was 23.1 percent (20.2 percent including nonrefoulement decisions), compared with 17.3 percent (20 percent) in 2000. In 2001 the largest groups of applicants ranked by nationality were persons from Afghanistan (1,952), Iraq (851), Armenia (746), Georgia (655), and Turkey (631).

As a result of hostilities in Afghanistan, between January 2001 and July 2002, the Government received a total of 16,648 asylum applications by Afghan citizens, including 6,794 applications filed at diplomatic missions abroad (mostly in Pakistan and Iran). According to government statistics, some 1,800 applications were pending (mostly on appeal) at year's end. While almost all asylum claims are expected to be denied on the basis of the safe country rule, TPS is being granted at least until March 2003, when a reassessment of the situation is scheduled to determine the possibilities of repatriation. The influx of Afghan refugees resulted in a considerable burden on the Government's care and maintenance system. As of September, approximately 1,300 Afghan asylum seekers out of a total of some 6,000 applicants from 35 nations were receiving government care until a final determination of their claims.

In May 1999, an unsuccessful Nigerian asylum applicant, Marcus Omofuma, died after being physically restrained for violent behavior while being deported to Lagos, Nigeria via Sofia, Bulgaria (*see* Section 1.a.). The incident prompted a complete review of internal procedures regarding deportations. Two of the three police officers who accompanied Omofuma were suspended; however, the suspension was lifted in February 2001. Authorities ruled that the three policemen on duty at the time should be tried for abuse of a prisoner; as a result of their trial, the three police officers were given suspended 8-month sentences for negligence in the death of a person under dangerous circumstances. In 1999 the Interior Ministry created the Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGOs, to ensure that the police and gendarmerie respect human rights while carrying out their duties. In addition, the Ministry announced a new policy requiring that all potentially violent individuals be deported on chartered aircraft, rather than on commercial flights. In March 2001, the Constitutional Court ruled against the Administrative Arbitration Board for rejecting civil charges, filed on behalf of Omofuma's daughter, that stated that Omofuma's human rights were violated, and returned the case to the Administrative Board for review. The case was still pending at year's end.

In June the Human Rights Advisory Council criticized the July amendment to the 1997 asylum law because it did not sufficiently address their recommendations about the conditions of deportation detention, since deportation of minors had not been ruled out. In September more than 40 unsuccessful Kosovar Albanian asylum applicants were repatriated. The U.N. and NGOs criticized the Government's actions.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held in November in which the OVP won 79 seats in Parliament, the Social Democrats (SPO), 69, the FPÖ, 18, and the Green Party, 17. At year's end, the parties were negotiating on forming a government. There were 63 women in the 183-seat National Assembly and 13 in the 62-member Federal Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In some cases, they were dissatisfied with the information that the authorities supplied in response to specific complaints. There were no reports of discrimination against organizations that report on human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law provides for protection against any of these types of discrimination in employment, provision of welfare benefits, and other matters, and the Government generally enforced these provisions effectively.

Women.—Violence against women remained a problem. There are no accurate statistics available on the number of women abused annually, but it was believed to be a widespread problem. Police and judges enforced laws against violence; however, it was estimated that less than 10 percent of abused women filed complaints. The Association of Houses for Battered Women has estimated that one-fifth of the country's 1.5 million adult women has suffered from violence in a relationship. In 1999 legislators passed an amendment to the 1997 Law on the Protection Against Violence in the Family, extending the period during which police can expel abusive family members from family homes. In 2001 an injunction to prevent abusive family members from returning home was applied in 3,283 cases. The Government also sponsored shelters and help lines for women.

Trafficking in women was a problem (*see* Section 6.f.). While prostitution is legal, trafficking for the purposes of prostitution is illegal.

Of the 1,264 new cases brought to the Ombudsmen for Equal Opportunity in 2001, 185 were complaints of sexual harassment. The Federal Equality Commission, as well as the Labor Court, can order employers to compensate victims of sexual harassment. Sexual harassment is prohibited by law, and the Government effectively enforced those laws.

The Government's 2000 coalition agreement contained a detailed section advocating equal rights and opportunities for women. Most legal restrictions on women's rights have been abolished. A Federal Equality Commission and a Federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. Herbert Haupt remained the minister responsible for the women's portfolio under the provisional government.

In 1994 the European Court of Justice (ECJ) ruled that the country's law prohibiting women from working at night was not in conformity to the EU-legal framework. The ECJ gave the Government until the end of 2001 to adapt its legislation to gender-neutral EU regulations. In January 1998, legislation went into effect that required collective bargaining units to take action by the end of 2001 to eliminate restrictions on nighttime work for women, and in December 2001 the legislation banning nighttime work for women expired. Legislation in conformity with the EU legal framework went into effect in January.

An estimated 68 percent of women between the ages of 15 and 60 were employed; on average, women earned only 74 percent of what men earn for the same work. Women were more likely than men to hold temporary positions and also are disproportionately represented among those unemployed for extended periods of time. In 2000 the U.N. Committee on Elimination of Discrimination Against Women released a report criticizing the Government's treatment of women, including its decision in 2000 to abolish the Federal Women's Affairs Ministry and fold its portfolio into the Ministry of Social Affairs and Generations. The Committee was particularly concerned about immigrant women's access to employment.

Although labor laws provide for equal treatment for women in the civil service, women remain underrepresented. To remedy this circumstance, the law requires

hiring women of equivalent qualifications ahead of men in all civil service areas in which less than 40 percent of the employees are women, including police; however, there are no penalties for failing to attain the 40 percent target.

Female employees in the private sector can invoke equality laws prohibiting discrimination of women; the Federal Equality Commission may award compensation of up to 4 months' salary if women are discriminated against in promotions because of their sex. The Commission also may order legal recompense for women who are denied a post despite having equal qualifications.

Women are allowed to serve in the military forces voluntarily. At year's end, there were a total of 198 women—of a standing force of approximately 51,000—serving in the military forces, including 7 officers. There were no restrictions on the type or location of assignments of women.

Women's rights organizations were partly politically affiliated, and partly autonomous groups. They usually received wide public attention when voicing their concerns. Despite fears of women's rights groups, the Government continued to provide government subsidies to these groups.

Children.—The law provides for the protection of children's rights. Each provincial government and the federal Ministry for Youth and Family Affairs has an "Ombudsperson for Children and Adolescents" whose main function was to resolve complaints about violations of children's rights.

While 9 years of education were mandatory for all children beginning at age 6, the Government also provided free education through secondary school and subsidized technical, vocational, or university education. The majority of school age children attended school. Educational opportunity was equal for girls and boys. Comprehensive, government-financed medical care was available for all children without regard to gender.

There was no societal pattern of abuse against children, although heightened awareness of child abuse has led the Government to continue its efforts to monitor the issue and prosecute offenders. The growing number of reported incidences of child abuse was considered a result of increased public awareness of the problem. Doctors were required to report to the police suspected cases of child abuse and molestation. An exception may be made if the suspected abuser is a close relative of the victim, where doctors may refrain from reporting to the police for the sake of the well-being of the minor. However, in such cases, the victim's representative must establish contact with a youth care officer or a hospital's child protection unit.

According to the Penal Code, sexual intercourse between an adult and a child (under 14 years of age) is punishable with a prison sentence of up to 10 years; in case of pregnancy of the victim, the sentence can be extended to up to 15 years. In June the Constitutional Court struck down Article 209 of the criminal code, in which sexual relations between a male between the ages of 14 and 18 and an adult male is punishable with sentences ranging from 6 months to 5 years. The court gave the Government until February 28, 2003, to rewrite the law. In 2001 the Ministry of Justice reported 856 cases of child abuse, most involving intercourse with a minor. Of these cases, 228 resulted in convictions. Under the law, any citizen engaging in child pornography in a foreign country becomes punishable under Austrian law even if the actions are not punishable in the country where this violation was committed. The law also entails severe provisions for the possession, trading, and private viewing of pornographic materials. For example, exchanging pornographic videos is illegal even if done privately rather than as a business transaction. In April the Government conducted its largest raid to date on the premises of suspected consumers of child pornography. The police searched 329 houses and confiscated a large amount of material. The Federal Crime Authority also established a special department for cyber crime.

Persons with Disabilities.—The law protects persons with disabilities from discrimination in housing, education, and employment. A 1997 amendment to the law explicitly requires the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ one person with disabilities for every 25 to 40 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism because many observers believe that penalties were too low to discourage companies from bypassing the requirement. There were no reports of societal discrimination against persons with disabilities. The Government budgeted \$69 million (69.04 million euros) for the year to fund projects that employed persons with disabilities.

The Government estimated that there were approximately 72,000 persons having a degree of disability of 50 percent or more. Federal law mandates access for persons with physical disabilities; however, low fines and insufficient enforcement resulted in the inaccessibility of many public buildings to persons with disabilities.

The law prohibits the sterilization of minors. Persons 18 years of age and older may be sterilized only in life-threatening instances.

National/Racial/Ethnic Minorities.—The law recognizes six national minority groups: Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes. In the past, any community where at least 25 percent of the population belonged to one of these groups was entitled to bilingual town signs, education, media, and access to federal funds earmarked for national minorities. In December 2001, the Constitutional Court ruled that the standard should be lowered; the Court cited international and historical precedent in its reasoning. The Government responded to the ruling by stating that it would submit implementing legislation to Parliament. After the Governor of Carinthia, Joerg Haider, announced that he would not honor the Court's decision and alleged that the President of the Constitutional Court was influenced unfairly by Slovene groups and stating that the court had exceeded its authority by setting a limit, the Government hosted several conferences on the problem in an attempt to come to a national consensus. At year's end, there was no decision on implementation of the court's finding. Bilingual town signs existed in other provinces as well.

The largest problem facing these national minority groups is the preservation of their culture and language. In addition, most human rights groups claimed that Roma faced particular discrimination in employment and housing. Members of other minority groups such as Turks and Indians were not considered national indigenous minorities and do not have access to the same type of assistance. NGOs complained that Africans living in the country were stopped by police as many as 5 times per day.

Statistics for 2001 showed a similar number of neo-Nazi, rightwing extremist, and xenophobic incidents as the previous year. During 2001 the Interior Ministry recorded 335 incidents; in 2000 there were 336 incidents. During the year, the Government continued to express concern over the activities of extreme-right skinhead and neo-Nazi groups, many with links to organizations in other countries. In August the police seized a sizable cache of weapons, explosives, and hand grenades in Vienna, Styria, and Lower Austria that belonged to neo-Nazi groups. The police arrested 3 persons, including one with ties to an illegal group called the Extra-parliamentary Opposition Loyal to the People. Some members of the group had membership cards for the Ku Klux Klan and possessed scenarios for a civil war in the country. Police estimated that a new neo-Nazi group had formed, although its exact size was undetermined.

In March the domestic NGO ZARA, in conjunction with other groups, released a report entitled "Racism 2001", which found that persons from diverse ethnic and racial backgrounds continued to face widespread discrimination from government officials, particularly the police, as well as in the workplace and in housing. The report cited 155 examples of discrimination faced by immigrants on a daily basis and called for the strengthening of public education and legal protections for immigrants.

The Government continued its training program designed to combat racism and educate the police in cultural sensitivity. In 2000 the Government passed a comprehensive promminority rights bill providing expanded constitutional protections for the country's six officially recognized minorities.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice trade unions had an important and independent voice in the political, social, and economic life of the country. An estimated 50 percent of the work force were organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB), which had a highly centralized leadership structure. Association of national unions with the OGB was voluntary. Individual unions and the OGB were independent of government or political party control, although formal factions within these organizations were allied closely with political parties.

In cases of disputed terminations, the law obliges employers of enterprises with more than five employees to prove to a labor court that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers. Labor and business representatives remain in a long-standing disagreement over how to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. Almost all large companies, private or state-owned, were organized. Worker councils operate at the enterprise level, and by law workers are entitled to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions are negotiated for each industry by the OGB with the National Chamber of Commerce and its associations, which represented the employers.

The right to strike is not provided explicitly in the Constitution or in national legislation; however, it was recognized universally in practice. Historically strikes have been comparatively few and usually of short duration. A major reason for the record of labor peace is the unofficial system of “social partnership” among labor, management, and government. At the center of the system is the Joint Parity Commission for Wages and Prices, which has an important voice on major economic questions.

The law prohibits retaliations against strikers, and the Government effectively enforces the law. In general legal disputes between employers and employees regarding job-related matters are handled by a special arbitration court for social affairs, which is part of the judicial system. Unions have access to the arbitration court.

The OGB is exclusively responsible for collective bargaining. The leaderships of the Chamber of Labor, the Chamber of Commerce, and the OGB are elected democratically.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

In 2000 former forced laborers filed suit against Austrian companies that used forced labor provided by the Nazi government of the 1930s and 1940s. In 2000 an agreement was signed between the Government, attorneys representing former forced and slave laborers, and representatives of foreign governments, providing compensation for former forced and slave laborers. By July approximately \$182 million (231 million euros) had been provided as compensation to 91,281 former forced and slave laborers.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforced this law. The Government has adopted laws and policies to protect children from exploitation in the work place.

e. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial minimum wage is \$9,945 (10,174 euros) a year, and it provided a decent standard of living for a worker and family. Every worker was entitled to a variety of generous social benefits.

Although the legal workweek was 40 hours, more than 50 percent of the labor force was covered by collective bargaining agreements that set the workweek at 38 or 38 and a half hours.

Laws regularly enforced by the Labor Inspectorate of the Ministry of Social Affairs provide for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee. However, this option rarely is exercised; workers normally rely instead on the Chambers of Labor, which file suits on their behalf. The Labor Code provides that workers have the right to remove themselves from a job if they fear “serious, immediate danger to life and health” without incurring any prejudice to their job or career, and the Government effectively enforces this law.

f. Trafficking in Persons.—There is no single law covering all forms of trafficking in persons; however, Article 217 of the Criminal Code, which describes trafficking for prostitution, is the key provision for the prosecution of traffickers. Article 103 of the Criminal Code also deals with trafficking for the purposes of slavery. Article 103 of the Aliens Act contains criminal law provisions on alien smuggling. Trafficking in women for prostitution and domestic service was a problem.

The Interior Ministry works at the national and international level to raise awareness of human trafficking. In January the Ministry created a new body, the Federal Crime Authority, which has a division solely dedicated to combating human trafficking and alien smuggling. Federal police units addressing organized crime and sex crimes also focused on this problem. Although prostitution is legal, trafficking for the purpose of prostitution is illegal, and can result in jail sentences of up to 10 years for convicted traffickers. Article 217 refers to recruiting aliens for prostitution and covers trafficking for prostitution through the deception of someone regarding the purpose of their journey to the country or through coercion or use of force. In 2000 the Government passed legislation implementing stronger penalties

for alien smuggling including trafficking. Trafficking for purposes of slavery can lead to a prison sentence of from 10 to 20 years. The maximum penalty for the most serious offenses increased from 5 to 10 years' imprisonment. In 2000 the Interior Ministry, which is the primary government agency involved in antitrafficking efforts, reported that 125 complaints were filed under the law against trafficking for prostitution, of which 10 resulted in convictions. The Ministry of Interior estimated that most traffickers taken into custody are prosecuted under criminal law provisions on alien smuggling.

In October 2001 in a high-profile case, the Government convicted the Carinthian "Porno King", Hellmuth Suessenbacher, and 10 others for trafficking in persons and other related offenses. Charges resulted from the trafficking of 50 Romanian women who initially were hired as dancers and subsequently forced into prostitution. Suessenbacher was sentenced to 2½ years' imprisonment, a relatively light sentence by national norms. The other defendants received sentences ranging from fines to up to 4 years' imprisonment. Suessenbacher appealed the sentence. In September the Linz Court of Appeal reduced his sentence to 2 years' imprisonment and that of his coconspirators to a period of from 9-months suspended sentences to 4 years' imprisonment.

Some NGOs have called for an expansion of the legal definition of trafficking to include exploitation for domestic labor and coerced marriages.

In March 2001, in response to a marked increase of illegal border crossings at Austria's eastern borders in the first half of that year, the Government set up a special task force to address trafficking. However, many victims of trafficking continued to migrate legally.

Austria was a transit and final destination country for women trafficked from Bulgaria, Romania, Ukraine, the Czech Republic, Slovakia, Hungary, and the Balkans; the women were trafficked into Austria and other western European countries, primarily for the purpose of sexual exploitation. Women also were trafficked from Asia and Latin America to Austria for domestic labor.

There are no accurate statistics on trafficked persons specifically; however, the number of intercepted illegal immigrants, of whom some were trafficking victims, continued to increase. In 2001 LEFOE, an NGO established in 1985 to help victims of trafficking, reported that it assisted 183 victims of trafficking. Police estimated that one-fourth of trafficking in women in the country is controlled by organized crime. The country is particularly attractive to traffickers due to its geographic location and to the fact that citizens of the Czech Republic, Slovakia, Hungary, Romania, and Bulgaria do not require visas to enter the country. Most trafficked women were brought to Austria with promises of unskilled jobs such as nannies or waitresses. Upon arrival they were coerced or forced into prostitution. There also were cases of women who knowingly went to Austria explicitly to work as prostitutes but who then, according to police, were forced into states of dependency akin to slavery. Most victims were in the country illegally and feared being turned into authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over the victims. Victims of trafficking reported being subjected to threats and physical violence. A major deterrent to victim cooperation is widespread fear of retribution, both in Austria and in the victims' countries of origin.

The majority of traffickers arrested by police were citizens; however, the number of foreigners engaged in trafficking has increased over the years. Police estimated that a large portion of trafficking is controlled by organized crime, primarily from Eastern Europe.

The Government provides temporary residence to victims of trafficking who are prepared to testify or intend to raise civil law claims; however, victims still rarely agreed to testify, due to fear of retribution. The temporary residency status allowed victims to stay in the country only during a trial; no provisions were made for them to stay in the country following their testimony. Virtually all victims of trafficking were repatriated.

The NGO LEFOE provided secure housing and other support for victims of trafficking. The International Organization for Migration (IOM) sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Interior Ministry, LEFOE also continued to operate the Intervention Center for victims of the trade in women (IBF) in Vienna, which provides services to trafficked women including: Psychological, legal, and health-related counseling and assistance, emergency housing and German language courses. There also were similar centers located in other cities in the country that were financed by federal and local governments.

Government-funded research on the problem of trafficking and NGO prevention work included antitrafficking brochures, law enforcement workshops, and inter-

national conferences on the issue, funded by private and public sources. The Government also provided funding for intervention centers that provide emergency housing and psychological, legal, and health-related assistance to victims. There was one NGO center that provided comprehensive counseling, educational services, and emergency housing to victims of trafficking. The Government also was active in U.N. and Organization of Security and Cooperation in Europe international efforts to combat trafficking. During the year, Austrian experts often were involved in regional training and capacity building programs sponsored by the Stability Pact Antitrafficking Task Force.

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. The Government is dominated by incumbent President Heydar Aliyev, who was reelected in October 1998 in a controversial election marred by numerous, serious irregularities. The Constitution provides for a division of powers between a strong presidency and a national assembly (Milli Majlis) with the power to approve the budget and impeach the President. Milli Majlis elections in 2000, 2001, and during the year featured similar irregularities, and as a result some domestic groups regarded it as illegitimate. Opposition members made up only a small minority of the Milli Majlis's 125 deputies. A referendum on constitutional amendments took place in August, but was marred by widespread irregularities, including voter list fraud and ballot box stuffing. The Constitution provides for an independent judiciary; however, the judiciary did not function independently of the executive branch and was corrupt and inefficient.

The Ministries of Internal Affairs and National Security were responsible for internal security and report directly to the President. Members of the security forces committed numerous human rights abuses.

The Government continued to affirm its commitment to development of a market economy, but economic reform continued to be slow. According to official figures, the population was approximately 8 million, but an estimated 2 million of this number lived and worked outside the country. Widespread corruption and patronage reduced competition, and the slow pace of reform limited economic development outside the oil and gas sector, which accounted for more than 90 percent of the country's export revenues. Despite the privatization of 98 percent of the country's farmland, commercial agriculture remained weak, and subsistence farming dominated the rural economy. Foreign aid was an important source of national income. A growing moneyed class has emerged in Baku, and poverty nationwide has decreased, but 49 percent of the population still lived below the poverty level.

The Government's human rights record remained poor. The Government continued to restrict citizens' ability to change their government peacefully. Police tortured and beat persons in custody and used excessive force to extract confessions. Arbitrary arrest and detention continued to be a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a few cases. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Lengthy pretrial detention was a problem. The Government continued to hold a number of political prisoners. The Government infringed on citizens' privacy rights.

The Government continued to restrict freedom of speech and of the press, and the press faced continued harassment during the year, despite measures to improve the economic viability of the media. Government officials sued journalists for defamation. As a result, journalists sometimes practiced self-censorship. The Government largely controlled radio and television, the primary source of information for most of the population. The Government restricted freedom of assembly and forcibly dispersed some demonstrations held without a permit; police shot and killed one protestor. The Government continued to restrict freedom of association by refusing to register some political parties and harassing domestic human rights activists and nongovernmental organizations (NGOs). There were restrictions and abuses of religious freedom, and harassment of some "non-traditional" religious groups by lower-level and local government officials continued. Violence against women remained a problem. Discrimination against women and certain ethnic minorities were problems. The Government limited some worker rights. Trafficking in persons was a problem. Azerbaijan was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

A cease-fire in effect since 1994 continued to contain the conflict with Armenia over Nagorno-Karabakh; however, minor outbreaks of fighting occurred and resulted

in the deaths of civilians as well as combatants. Armenian forces continued to occupy an estimated 16 percent of Azerbaijan's territory (including Nagorno-Karabakh); this fact continued to dominate the country's national politics, weaken state institutions, and undermine democratic and economic development. The Government does not exercise any control over developments in the territories occupied by Armenian forces, and little verifiable information exists on the human rights situation there. Approximately 800,000 Azerbaijani refugees and internally displaced persons (IDPs) left or were forced from their homes in the occupied territories and Armenia.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, in June police shot and killed Alihasan Agayev during a protest in Nardaran (*see* Section 2.b.). Some prison inmates and detainees died, in part as a result of mistreatment by law enforcement personnel and harsh prison conditions. Suspects in these cases were not prosecuted (*see* Section 1.c.).

On April 18, the General Prosecutor's office summoned Beylar Kuliyeu to testify in the murder case of Rovshan Aliyev, former Chief of the Criminal Division of the Prosecutor's Office. According to press reports and local human rights activists, Kuliyeu was sentenced to 10 days' imprisonment for resisting arrest. When he was brought to the General Prosecutor's office on April 19 to give testimony, Kuliyeu jumped out a window to his death (*see* Section 1.c.). No investigation was conducted.

The trial of one of the police officers allegedly involved in the 2001 death of Ilgar Javadov was ongoing at year's end.

In September 2001, the Baku city prosecutor's office opened a criminal case against Suleyman Agayev, former chief of the 17th police office of Baku's Narimanov District, in connection with the 1994 killing of Djamal Aliyev, leader of the Industrial Union. During the year, Agayev was arrested, tried, and convicted. An investigation into the killing of a senior Chechen military commander by unknown assailants in May 2001 remained open at year's end.

Cease-fire violations by both sides in the conflict with Armenia over Nagorno-Karabakh occasionally resulted in deaths and injuries to both civilians and soldiers. During the year, there were five dead and 28 injured.

A number of deaths occurred among army conscripts during the year. Hazing of the victims was suspected. According to press reports, 15 army conscripts died during the year. In 2001 a total of 20 army conscripts died, 13 of which were confirmed to be suicides. Defense Minister Safar Abiyev stated that all of the previous year's deaths would be investigated fully. By year's end, no information on the investigations into these deaths was available.

b. Disappearance.—There were no reports of politically motivated disappearances. The International Committee of the Red Cross (ICRC) repeatedly urged the Azerbaijani and Armenian governments to provide information on the fate of those missing in action since the fighting over Nagorno-Karabakh began. Since the early 1990s, the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani citizens allegedly held by Armenia. The Government estimated the number to be closer to 5,000.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code enacted in September 2000 prohibits such practices, and provides for up to 10 years' imprisonment for violators; however, there were credible reports that prison guards continued to torture inmates and that both prison guards and police used excessive force to extract confessions. Police beat prisoners during arrest, interrogation, and pretrial detention.

Human rights activists reported that police tortured Beylar Kuliyeu while in police custody in an attempt to obtain false testimony (*see* Section 1.a.).

After the clashes in June in Nardaran between protesters and police, Haji Jubrail Alizade was detained; Alizade's lawyer alleged that Alizade was beaten after his arrest. According to a report by the Independent Public Commission (a joint initiative of several NGOs) investigating the Nardaran events, the police beat several persons, including some of those they took into custody.

The Government did not hold most members of the police accountable for their actions.

The Government forcibly disrupted some demonstrations and in some cases beat protesters (*see* Section 2.b.). Police at times beat and harassed members of certain religious groups (*see* Section 2.c.).

There were unconfirmed reports that official corruption facilitated trafficking in persons (*see* Section 6.f.).

Conditions in prisons, which were managed by the Ministry of Justice, remained harsh and sometimes life threatening. Deaths of inmates occurred, in part due to these harsh conditions and in some cases due to mistreatment by prison guards (*see* Section 1.a.). Overcrowding and poor medical care combined to make the spread of infectious diseases, including tuberculosis (TB), a serious problem. TB continued to be the main cause of death in prisons. By year's end, approximately 841 detainees were undergoing treatment for TB, according to the ICRC. Due to the absence of systematic screening of the prison population, patients often started treatment when they were already seriously ill. There were widespread and credible reports that the authorities have withheld medical treatment from selected inmates, especially political prisoners.

Prisoners had to rely on their families to provide food and medicine, and bribes generally were required for families to gain access to imprisoned relatives. The authorities severely limited opportunities for exercise and visits by lawyers and family members of prisoners in maximum security prisons. Some prisoners were kept in "separation cells" often located in basements, in which prisoners reportedly were denied food and sleep in order to elicit confessions from them with no physical evidence of abuse. Men and women were held in separate prison facilities. There were separate facilities for juveniles and adults, and pretrial detainees and convicts were held separately.

Since June 2000, the ICRC has had access to all prisons, and its agreement with the Government on access to all places and to all detainees both sentenced and unsentenced recently was extended. The ICRC has had access to prisoners of war (POWs) as well as civilians held in relation to the conflict over Nagorno-Karabakh.

Foreign observers regularly received permission to enter maximum security prisons for meetings with alleged political prisoners. However, some domestic human rights organizations complained that the authorities restricted their access to prisons during the year. The Human Rights Center of Azerbaijan (HRCA), a local NGO, regained access to jails in 2001, and it conducted several human rights seminars for law enforcement officers. The HRCA reported that the situation in the prison system had improved slightly as a result of monitoring efforts and suggestions made by NGOs and international organizations.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention was a problem. The authorities often arbitrarily arrested and detained persons without legal warrants. The Constitution states that persons detained, arrested, or accused of a crime should be advised immediately about their rights, reasons for arrest, and the institution of criminal proceedings against them; however, the authorities often did not inform detainees of the charges against them. The Constitution provides for access to a lawyer from the time of detention; however, access to lawyers was poor, especially outside of Baku. The authorities often withheld information from detainees' family members. Frequently days passed before relatives were able to obtain information, and family members did not enjoy the right of visitation. Bail commonly was denied, and lengthy pretrial detention was a serious problem.

Members of opposition parties and their families were more likely to experience arbitrary arrest and detention than other citizens. Police detained opposition party activists after demonstrations on March 23 and October 5. During the year, Musavat Party reported that 200 of its members were detained for short periods (3 to 15 days). The two nephews of exiled former Milli Majlis speaker and Azerbaijan Democratic Party (ADP) leader Rasul Guliyev were convicted of embezzlement and weapons possession and sentenced to jail in 2001. Police also harassed several other Guliyev relatives and ADP figures. The Organizational Secretary of the ADP Hesret Rustamov was arrested on March 23 for 15 days and on October 1 for 10 days. On June 14, the General Secretary of the ADP Sardar Jalaloglu was detained for 5 days.

Police forcibly disrupted unsanctioned protests and briefly detained participants throughout the year (*see* Section 2.b.). In Nardaran on September 20, police arrested village elder Jabrail Alizade for alleged involvement in the June events, setting off a new wave of protests (*see* Sections 1.c. and 2.b.). Since then the Court of Appeal has turned down Alizade's appeal to have the charges overturned, raising issues of unlawful detention for Alizade and those arrested earlier. At a December 25 preliminary hearing, the court extended the detention of 18 Nardaran defendants, pending a trial scheduled to begin in early January 2003. At year's end, 15 Nardaran prisoners were in physical custody, and 3 were released on their own recognizance but were expected to appear in court to be tried with the others.

Chechens residing in the country reported that police arbitrarily detained them (see Section 2.d.).

During the year, a total of eight POWs were released, four from Azerbaijan and four from Armenia.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of a Fair and Public Trial.—The Constitution provides for an independent judiciary; however, in practice judges did not function independently of the executive branch, and the judiciary widely was believed to be corrupt and inefficient. Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

Cases at the district court level were tried before a panel consisting of one judge and two lay assessors. Judges presided over and directed trials. The President appointed Supreme and Constitutional Court judges, who then were subject to confirmation by the Milli Majlis. The President appointed lower level judges without confirmation. Qualifying exams for judges were administered as part of a judicial reform effort; however, credible allegations persisted that judgeships were bought and sold. Low salaries for judges and lawyers increased the incentives for bribe taking and undermined the rule of law.

The Government organized prosecutors into offices at the district, municipal, and republic level. They ultimately were responsible to the Minister of Justice, were appointed by the President, and were confirmed by the Milli Majlis.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidential personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights, such as a suspect's right to legal counsel and to be informed immediately of his legal rights and of the charges against him (see Section 1.d.). During trial, defendants were allowed to confront witnesses and present evidence. The court was required to appoint an attorney for indigent defendants. Defendants and prosecutors had the right of appeal, and foreign and domestic observers generally were allowed to attend trials. Although the Constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' prerogatives outweighed those of the defense. The Law on Advocates and Advocate Activity signed by President Aliyev in 2001 was expected to reform the legal profession; however, it had not been implemented by year's end. The law limits representation in criminal cases to members of state-controlled Collegium and therefore restricts the public's access to legal representation.

The Constitution prohibits the use of illegally obtained evidence; however, investigations often relied on obtaining confessions rather than gathering evidence against suspects, and no judge has dismissed a case based on a prisoner's claim of having been abused (see Section 1.c.). Judges frequently sent cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases either might be dropped or closed, occasionally without informing either the court or the defendant.

The Government continued to hold a number of political prisoners. Some local NGOs reported that the Government held approximately 200 to 300 political prisoners, although others claimed the number was much higher. Estimates of the number of prisoners varied and were inconsistent as to the definition of a political prisoner. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government. During the year, President Aliyev issued three pardons that resulted in the release of more than 236 prisoners and reduced sentences for ten others. Some of the individuals released were included on lists of political prisoners developed by NGOs and the Council of Europe.

In May authorities detained Faina Kunqurova, an active member of the Azerbaijan Democratic Party (ADP), and charged her with hooliganism. She subsequently was convicted and was in the midst of a three-year sentence at year's end.

At year's end, Jan Mirza-Mirzoyev, former First Deputy Director of the Baku Supreme Naval College who publicly had been critical of the Minister of Defense, remained in jail after an unsuccessful appeal in May. In 2001 Mirzoyev had been convicted and sentenced to eight years for murder in a trial that foreign and domestic observers believed did not establish his guilt.

In response to discussions with the Council of Europe on political prisoner problems, the authorities initiated retrials of three figures accused of plotting against the Government in the early 1990s; all three remained in detention at year's end. The retrial of Isgender Hamidov, a former Minister of Internal Affairs, began in May; he had been convicted and sentenced to 14 years' imprisonment in 1994 for

appropriating state property. The retrial of former Defense Minister Rahim Gaziyeu also started in May; he had been convicted and sentenced to death in 1995 for abuse of power in war conditions, large-scale embezzlement of state properties, and illegal storage and possession of weapons. The retrial of Alikram Humbatov, who was convicted and sentenced to life in 1994 for attempting to establish a separatist Talysh Republic in southeastern Azerbaijan, began in June. Authorities rejected repeated appeals by the defendants, foreign embassies, and international organizations to move these retrials from Gobustan prison, where observer access was difficult, to Baku, but foreign and domestic observers were not otherwise hindered in attending these trials.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary invasions of privacy; however, the Government restricted privacy rights in practice. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in the prevention of a crime; however, it was believed widely that the Ministry of National Security and other security entities monitored telephones and Internet traffic, especially those of foreigners and prominent political and business figures. The Constitution allows searches of residences only with a court order or in cases provided by law; however, the authorities often conducted searches without warrants. Police continued to intimidate and harass family members of suspects, particularly those belonging to opposition parties (see Section 3).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and it specifically outlaws press censorship; however, the Government restricted these rights in practice. There was lively public debate and criticism of government policies in a variety of areas, and direct criticism of President Aliyev was common. A large number of opposition and independent media outlets functioned during the year; however, the press faced continued pressure from the Government during the year. Although during the first few months of the year there were some improvements in media freedom, in the fall government officials brought a large number of lawsuits against the media. Harassment of journalists and libel suits created an atmosphere in which editors and journalists exercised self-censorship.

In a December 2001 meeting with opposition and independent media representatives, President Aliyev acknowledged government mistakes and promised to correct them. Subsequently, tariffs and import taxes on newsprint were reduced or abolished, access to government printing houses improved, libel suits by government officials were retracted, and long-withheld broadcasting licenses were issued to regional independent television stations. However, government officials brought 18 new libel suits against independent and opposition newspapers in the closing months of the year.

Most newspapers were printed in government publishing houses. Private advertisers were intimidated and harassed into removing their advertisements from some independent and opposition publications, forcing them to subsist on newsstand sales alone and adding to the financial pressures on newspapers that do not benefit from government financial support. The finances of most independent and opposition papers were precarious, and they had increasing problems meeting their wage and tax payment obligations. Responding to the newspapers' financial difficulties, President Aliyev issued a decree in late 2001 that froze newspaper debts to the state-owned printing house until 2003.

Government-run and independent kiosks distributed government, opposition, and independent publications throughout the year. However, independent and opposition newspapers only sporadically were available in regions outside of Baku. A number of editors continued to report that government-run kiosks refused to carry their newspapers, or claimed to have sold all received copies while actually retaining many unsold copies in stock, leading some newspapers to depend on independent distributors. Gaya, the country's largest independent distributor, reported continued government harassment. The company's manager complained that some of its most profitable newsstands had been torn down arbitrarily in Baku and in regional cities in an effort to run the company out of business. By the end of October, when authorities closed the company's newsstand in the northern city of Sheki, Gaya had only 37 newsstands, of the 55 that it had at one time throughout the country. As a result, there were no independent newsstands in Nakhchevan and other parts of the country.

Government-controlled radio and television were the main sources of information for much of the population. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and

leaders critical of the Government. Privately run television channels broadcast views of both government and opposition officials, but their programs were not available in all parts of the country. According to Internews, there were no new television stations licensed during the year; three license requests were pending at year's end. In Ganja one new local television station (Alternative TV) was opened during the year, through the restoration of a previously shut-down local TV channel that made use of the previously issued license.

Radio was oriented largely to entertainment, but one independent station broadcast programs on political topics. Radio Free Europe/Radio Liberty and the Voice of America operated without restriction, and there were no restrictions on reception of foreign stations via satellite.

Persons convicted under current libel laws, which are found in both the civil and the Criminal Codes, may be subject to fines and up to 3 years' imprisonment. Several government officials dropped their libel cases against newspapers following the President's December 2001 meeting with independent and opposition journalists. However, President Aliyev's brother, Jalal Aliyev, subsequently launched a libel suit against the opposition Yeni Musavat newspaper, the country's largest circulation daily, that he claimed insulted his dignity. The case was abandoned after the trial began. According to the Committee for the Protection of Journalists (RUH), during the year 17 government officials and 9 politicians brought libel suits against newspapers. During the year, a total of 38 libel suits were brought against newspapers; 13 of them were against Yeni Musavat.

Two high-ranking Ministry of Defense officers brought a successful suit against Monitor magazine for printing an article about the lack of food, poor hygienic conditions, and hazing in the military. Monitor has appealed the judgement. Several times throughout its 5-year existence, Monitor has suspended its publication because publishing houses would not print it. During the year, Monitor was published and was available for purchase, although some distribution companies would not sell it.

In June the Milli Majlis passed a Law on TV and Radio that responded to Council of Europe and other requests to establish an independent regulatory body. However, the new law failed to ensure transparency in licensing or independence from state organs, and it established content requirements for programs and advertisements. According to the law, the President appoints all members to the regulatory body, thus limiting its independence.

Television and radio stations continued to require a license to operate, and the Government used this requirement in the past to prevent several independent stations from broadcasting; however, this was not a problem during the year.

On August 24, the 1998 Law on State Secrets was amended, by Presidential Decree, to strengthen provisions requiring journalists to submit articles that might touch on state secrets to a commission for review prior to publication, and requiring them to disclose their sources in such cases. Journalists protested and foreign embassies and international organizations also expressed concerns. In September the Government amended the law so that it no longer required journalists to reveal their sources.

Violence against journalists also took place during the year. RUH reported more than 90 incidents of physical attacks and/or harassment against journalists. After attacks against journalists in 2001, Minister of Interior Ramil Usubov pledged an investigation, but it remained pending at year's end. In most cases, perpetrators of violence against journalists remained unpunished.

Rauf Arifoglu, the editor-in-chief of Yeni Musavat newspaper, was arrested in 2000 for alleged involvement in an airline hijacking. He was released several days later, but the charges only were dropped in October.

All Internet providers in the country were required to have formal links with the Ministry of Communications. A number of Internet service providers and vendors existed, and Internet access cost less than \$1 (4,800 manats) per hour. Usage grew, particularly in Baku, which had a number of Internet cafes. Internet usage was less common in other parts of the country, but there were increasing numbers of Internet centers and cafes in some other cities. Many observers believed that the Government monitored Internet traffic, especially that of foreign businesses, opposition leaders, and intellectuals (*see* Section 1.f.).

The Government did not restrict academic freedom. Several professors with tenure were active in opposition parties.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right on occasion. By law citizens are permitted to assemble, associate with others, and organize demonstrations, processions, and pickets (demonstrations with less than 50 participants), "provided that they notify respective governmental bodies in advance." A

permit was required to stage a demonstration or picket and normally could be acquired from local government authorities (such as the mayor's office in Baku or the local executive authority in other cities) in advance of the event. However, while both sanctioned and unsanctioned protests took place throughout the year, the Government denied permission for some assemblies and in some cases forcibly disrupted protests.

Seven large-scale demonstrations took place in Baku during the year. The "United Opposition Movement" organized rallies in Baku on March 23, April 27, and May 23. At these rallies, demonstrators numbering up to several thousand demanded the President's resignation and free and fair elections. There were reports that police beat demonstrators, causing injuries, and police arrested several persons. In the autumn the opposition worked together to organize four more rallies, on September 14, October 5, October 27, and November 24. According to the organizers, these demonstrations attracted from 20 to 50,000 persons, and in addition to calling for the President's resignation and free and fair elections, protestors demanded freedom for Nagorno-Karabakh. Independent observers estimated substantially fewer participants in these demonstrations than organizers claimed.

The authorities occasionally prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. The authorities cited security considerations to ban larger demonstrations in the city center throughout the year.

Permits to hold demonstrations outside the capital area seldom were granted. Authorities harassed opposition party members when they tried to meet with supporters outside Baku.

On May 7, in the Baku area village of Nardaran, there was a public protest demanding the replacement of the Government-appointed head of the village council with a local citizen. On June 3, the district procurator invited eight of the Nardaran elders to a meeting with representatives from the village council to discuss their demands; when the elders arrived, the authorities arrested them. That evening Nardaran residents held a protest that police dispersed, in which civilians armed with stones clashed with police armed with firearms. The clash resulted in one civilian death, reportedly dozens of civilian and police injuries, damage to public property, and multiple arrests both during the day and subsequently (*see* Sections 1.a., 1.c., and 1.d.). On September 20, police arrested village elder Jabrail Alizade for alleged involvement in the June events, setting off a new wave of protests.

The Constitution provides for freedom of association; however, the Government continued to restrict this right. A number of provisions enabled the Government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register in order to function normally. Registration was necessary for an organization to rent property, to open a bank account, and generally to act as a legal entity. Vague, cumbersome, and non-transparent registration regulations resulted in long delays and inaction that in effect limited citizens' right to association.

According to the Ministry of Justice, as of October there were 38 registered political parties, some of which were affiliated with or supported the President's party. At least 23 registered parties were considered opposition parties. During the year, opposition political parties faced harassment from the authorities and were evicted from their headquarters (*see* Section 3). Unregistered political parties continued to function openly. Members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters' initiative group." Members of unregistered parties may run for the Milli Majlis.

c. Freedom of Religion.—The Constitution provides that persons of all faiths may choose and practice their religion without restrictions; however, there were some abuses and restrictions. The Law on Religion expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there were exceptions, including cases where the activity of a religious group "threatens public order and stability." Some officials at times discriminated against members of minority religions. In October the Organization for Security and Cooperation in Europe/Organization for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Government jointly sponsored a conference on religious freedom and combating terrorism in Baku.

The most common restriction on religious freedom resulted from the requirement in the Law on Religion that religious organizations register with the Government. The State Committee for Work with Religious Associations (SCWRA), which replaced the Department of Religious Affairs in June 2001, assumed responsibility for registering religious groups from the Ministry of Justice. Registration enabled a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Lack of registration exposed groups to charges that they were illegal

and made it more difficult, but not impossible, for a religious group to function. The process was burdensome, and there were frequent, lengthy delays in obtaining registration. Religious groups may appeal registration denials to the courts. In January an evangelical Lutheran Church in Baku finally was registered after a 2-year struggle that developed in part due to a battle for leadership in the church community.

By year's end, several religious groups continued to report that they had not been registered; however, this did not prevent them from functioning. Other churches, including Baku International Fellowship and Greater Grace Baptist Church, remained unregistered after months of applying. Unregistered groups were more vulnerable to attacks and closures by local authorities.

Some officials at times discriminated against members of minority religions. There have been small congregations of Evangelical Lutherans, Roman Catholics, Baptists, Molokans (old-believers in the Russian Orthodox Church), Seventh-Day Adventists, and Baha'is in the country for more than 100 years. In the last 10 years, a number of new religious groups that were considered "foreign" or "non-traditional" have been established. These include Pentecostal and Evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There were some reports of government harassment of these non-traditional groups.

In many instances, abuses by officials reflected the popular prejudice against conversion to Christianity and other nontraditional religions (*see* Section 5).

There was official concern regarding "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity. In May government authorities sentenced several members of the religious extremist group Hizb-ut-Tahrir to 6 to 7 years' imprisonment for allegedly planning terrorist attacks against targets that included the U.S. Embassy. There also were reports that the Government closed down Muslim groups and organizations allegedly having ties with terrorists. In November security forces detained Imam Kazim Aliyev of Juma Mosque in Ganja on charges of preparing a coup d'etat.

The law prohibits foreigners from proselytizing, and the Government enforced this provision. In April Baku police arrested Nina Koptseva, a Russian citizen and member of the evangelical Christian Greater Grace Church, along with two others on a busy Baku street. Koptseva was charged with propagating Christianity and deported to Russia; she and the church deny the charge. The Jehovah's Witnesses have had difficulties in holding large meetings in Baku. In September they planned a convention for 500 people, and obtained official permission. Circumstances required them to change their venue; as a result, they received a letter from the SCWRA saying that they had broken the law by changing their plans without notifying SCWRA and by allowing unaccompanied minors to attend.

Some local officials continued to prevent women from wearing the headscarves. Early in the year, students at Baku State University and the Baku Medical Institute reportedly were instructed to refrain from wearing headscarves to class. However, according to the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM), the issue was resolved satisfactorily and ceased to be a problem.

Importation of religious materials was restricted. In December SCWRA denied a Baku bookstore permission to import 400 religious books on the grounds that the store was not a "religious organization." SCWRA officials told foreign diplomats that they had blocked the import of Islamic literature that did not accord with Azerbaijani values. In November government officials permitted the import of 3,000 religious books by the Evangelical Christian Baptist Church in Baku, after refusing permission for 6 months. In July 2001, the SCWRA assisted a Baku bookstore in securing permission for a shipment of English-language evangelical literature that the Department of Religious Affairs had delayed numerous times.

Sporadic violations of religious freedom by some officials continued during the year. In the northern city of Khachmaz, there were numerous reports that local policemen regularly and severely beat Muslim worshippers, who denied any wrongdoing and complained to government authorities. Police also called in some family members of the accused for questioning. Also during the year, some Muslim worshippers in Ganja and Khachmaz reportedly were arrested and beaten as suspected Wahhabis with links to terrorism.

The most serious case of harassment of a religious group by the Government involved the ethnic Azeri "Love" Baptist Church. In 2001 SCWRA initiated legal proceedings to liquidate the church following accusations its pastor insulted Muslim fasting traditions in a sermon during the holy month of Ramadan. The church lost its case in April in court proceedings international observers described as biased. Its appeal—a 15-minute court procedure during which judges reportedly prevented lawyers for the church from speaking—was unsuccessful and an even shorter hearing before the Supreme Court in October upheld the lower court verdicts. Church

representatives said they would continue to meet until they are arrested or forcibly dispersed.

DEVAMM reported that an Adventist family in Nakhchevan was harassed by local authorities, who barred three of their children from attending school, and attempted to deport the family to Baku.

During the year, several newspapers and television broadcasts depicted non-traditional religious groups as a threat to the identity of the nation. Some of these attacks extended to humanitarian organizations operating in the country that were linked to foreign religious organizations.

Hostility also existed toward foreign (mostly Iranian and "Wahhabist") Muslim missionary activity, which partly was viewed as seeking to spread political Islam and thus a threat to stability and peace.

Ethnic Azerbaijanis have fled areas of Azerbaijan controlled by ethnic Armenians, and mosques in this area that had not already been destroyed did not function. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remained closed. As a consequence, the estimated 10,000 to 30,000 Armenians who remained in the country were unable to attend their traditional places of worship.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times, the Government limited freedom of movement. The internal residence regime from the Soviet system ("propiska") still was imposed on IDPs—i.e., those forced from their homes following the Armenian occupation of western areas of the country—who were required to register with the authorities and could reside only in approved locations. A passport was required for travel abroad. There were no exit visa requirements.

Residents of border areas in both Azerbaijan and Iran traveled across the border without visas. Draft-age men had to obtain documents from military officials before they could travel abroad, and some restrictions were placed on military personnel with access to national security information.

The number of refugees and IDPs from the Nagorno-Karabakh conflict was approximately 800,000; 200,000 of these were refugees, and more than 600,000 were IDPs. There were credible reports that Armenians, including ethnic Armenian immigrants from the Middle East and elsewhere, had settled in parts of Nagorno-Karabakh and possibly other Azerbaijani territories occupied by Armenian forces. Approximately 10,000 to 30,000 Armenians, almost exclusively persons of mixed descent or mixed marriages, remained in Azerbaijan (in addition to Armenians residing in occupied territories). While official government policy allowed ethnic Armenians to travel, low-level officials seeking bribes have harassed citizens of Armenian ethnicity who sought to obtain passports. The Armenian government continued to prevent the hundreds of thousands of Azerbaijanis who were forced out of their homes in occupied territories from returning.

The Government depends on international assistance to care for refugees and IDPs. The Government transferred \$39 million (188.8 billion manats) from the country's oil fund to the country's IDP and Refugees Committee to improve the social and economic conditions of refugees and IDPs. Of that total, \$550,000 (2.7 billion manats) was provided monthly to IDPs for food. The Government provided individual IDPs \$5 (25,000 manat) per family member per month for food and 6 liters of fuel per family per month. The Government also provided sugar, rice, sunflower oil, and oil to each IDP in camps in the regions where international NGOs no longer provided assistance. International assistance to the refugee and IDP population continued to decline. Approximately 60–70,000 IDPs continued to live in camps at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care.

A law that provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1962 Protocol was passed in 2001; however, no mechanism for its implementation had been created by year's end. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Such organizations reported full and unrestricted access to the refugee population. The issue of the provision of first asylum did not arise during the year, and there were no procedures for granting first asylum.

Approximately 8,000 to 10,000 Chechens who fled from Russia resided in the country. UNHCR registered 9,009 asylum seekers/refugees during the year, 78 percent of whom were from Chechnya. According to UNHCR personnel, during the

year, many Chechens complained of arbitrary detention and police harassment because of their undocumented status in the country. Chechens may receive 3-month visas, but not residence permits. Chechen children generally were not allowed to attend public schools, and medical services were provided only on a fee-for-service basis. Chechens were extradited to Russia for alleged criminal offenses, but their status as refugees was unclear.

Approximately 1,000 Afghans who fled their country have registered with UNHCR and have lived in the country for many years.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution and the law allow citizens to change their government by peaceful means; however, the Government continued to restrict citizens' ability to do so by interfering in local and national elections. The country is a republic with a strong presidency and a legislature that the Constitution describes as independent. However, in practice the Milli Majlis's independence was minimal, and it exercised little legislative initiative independent of the executive.

The 1998 presidential election was an improvement over the 1995 Milli Majlis elections, especially in regard to reduced multiple voting and the presence of domestic observers; however, some domestic and international observers witnessed ballot box stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. The observed irregularities and lack of transparency in vote counting led to serious doubts regarding the accuracy of the official vote count in favor of President Aliyev.

By-elections held in November 2001 in Tovuz and Ajabedi to fill vacant Milli Majlis seats also were marred by election fraud and ballot box stuffing. As a result of objections by local observers, the results in three Tovuz polling stations were cancelled by the Central Election Commission. The April by-elections in Baku, Ganja, and Ali Baramli similarly were marred by voter list irregularities, multiple voting, and observer intimidation.

The November 2000 Milli Majlis elections showed some improvement over the 1998 presidential and 1999 municipal elections, according to OSCE/ODIHR; however, they did not meet international standards due to numerous serious irregularities. Only after international pressure did authorities allow all major parties, including some disqualified as a result of alleged falsifications in voter petitions, to run candidates for office. Some opposition candidates were harassed, and some were beaten or detained. Potential candidates reported that individuals who signed their petitions were asked by police to remove their names.

An election law passed prior to the November 2000 Milli Majlis elections incorporated most, but not all, OSCE/ODIHR recommendations. Among the most serious remaining flaws was a provision banning from vote monitoring domestic election monitoring groups that received funding from foreign sources. Individual parties and some NGOs were able to post their own monitors at the polls, but intimidation, harassment, and even arrests of the observers took place. International observers seriously doubted the accuracy of the election results because of ballot box stuffing, premarked ballots, and vote counting irregularities.

Serious voting irregularities marred the August 24 referendum on changes proposed by President Aliyev to the 1995 Constitution. International observers saw widespread irregularities, including voter list fraud, multiple voting, voter intimidation, and ballot box stuffing. The Government continued to restrict domestic non-partisan observers. However, a series of televised roundtables, hosted by the OSCE and including government and opposition representatives, was held to educate the public on the issues of the referendum.

According to the Government, the amendments proposed in the referendum were designed to address a number of suggestions by the Council of Europe to democratize the country's political system—although the Government did not consult with the Council of Europe on the content of the referendum. Some of the amendments, such as the requirement that the President be elected by 50 percent plus one (rather than a two-thirds majority), could contribute to bringing the Government's practice into conformity with international standards and enhance democratization. However, two amendments were seriously criticized. One of the amendments proposed eliminating the proportional representation system required for 25 of the 125 seats in the Milli Majlis. NGOs and other groups alleged that this amendment could threaten opposition representation in Milli Majlis altogether. Another controversial amendment replaced the Chairman of the Milli Majlis with the Prime Minister in the line of succession to the presidency. Some domestic and international groups argued that this would make it easier for the President to pass on power to his pre-

ferred successor. The Government's claims of 95 to 96 percent approval of each of the eight clusters of constitutional amendments and 83.6 percent voter turnout were highly questionable. International election observers raised concerns with senior government officials and the Central Election Commission about the conduct of the referendum.

In December the Government made public its draft Unified Election Code (UEC), as required by the Council of Europe. The code seeks to combine four existing laws governing the conduct of elections and referenda in the country. The draft law contains some improvements, and the authorities discussed further changes with the international community, submitting a draft of the UEC for review by the International Foundation for Election Systems, the Council of Europe, and OSCE/ODHIR. However, the draft UEC does not change provisions in separate legislation on NGOs prohibiting domestic NGOs that receive foreign funding from observing elections. Major opposition parties boycotted the OSCE-sponsored (and televised) roundtables in December to discuss the draft law.

There were no legal restrictions on women's participation in politics; however, traditional social norms limited women's roles in politics, and they were underrepresented in elective offices. The practice of "family voting," where men cast the votes of their wives and other female members of their families, persisted. There were 13 women in Milli Majlis and several women in senior government positions.

There were no restrictions on the participation of minorities in politics. Several Lezghins, Talysh, and Avars continued to serve in the Milli Majlis and government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some NGOs wholly independent of the Government were objective and effective conduits of information to local officials, the diplomatic community, and such international institutions as the Council of Europe. The Government maintained ties to some of the human rights NGOs and responded to inquiries. However, the Government occasionally criticized some human rights NGOs and activists, and the Ministry of Justice routinely denied or failed to register many groups, including human rights NGOs, although it did not try to restrict their activities (see Section 2.b.).

A law on NGOs, passed during the year, made registration a cumbersome process and was vague on the procedures for liquidation. The Government accused some human rights activists of working in the interests of foreign governments. The Government has alleged that some domestic activists provided inaccurate lists of political prisoners to visiting foreign government officials. The Government responded to an inquiry by the Independent Public Commission, a group of human rights NGOs, into the Nardaran violence in June by issuing, on October 22, an official warning to the NGO commission's forensic specialist, Ilqar Altay. The warning stated that he was interfering with the official investigation, and that his actions were punishable under Article 310 of the Criminal Code.

Human rights NGOs were moderately effective. A serious impediment to their effectiveness was the inability of local human rights activists to work together. During the year, several human rights activists publicly accused each other of collusion with the authorities, lack of independence, and even taking bribes.

The local diplomatic community, the ICRC, and delegations from the Council of Europe enjoyed access to prisons and conducted meetings with inmates throughout the year (see Section c.). In June Andreas Gross, one of the Rapporteurs for Azerbaijan at the Council of Europe, made a speech at the Council criticizing the Government for its actions in the village of Nardaran. The Government expressed its displeasure with Gross's criticism by complaining in both official and independent media about him. When Gross visited the country from July 16 to 22, representatives of higher levels of the Government refused to meet with him. State television ran a number of programs criticizing Gross and repeating rumors that he would be refused a visa to visit the country. He returned to the country during the August referendum, and relations since have improved between him and the Government.

In December 2001, the Milli Majlis passed legislation on the creation of an Ombudsman position, and the first Ombudsman was approved by the Milli Majlis during the year. Citizens of the country may appeal to the Ombudsman for violations of their human rights committed by state bodies or individuals. The Ombudsman may refuse to handle a case if it happened more than a year before it was submitted to the office. The Ombudsman also does not handle anonymous complaints and may not become involved in complaints that are being addressed by the judiciary branch.

The Ombudsman traveled to many of the regions in the country to hear complaints and cooperated closely with the human rights activities of foreign embassies.

Both the Milli Majlis and the Ministry of Justice had human rights offices that heard complaints from citizens. The Ministry of Foreign Affairs has a human rights office under the direction of a Deputy Foreign Minister and conducted regular meetings with the diplomatic community.

The passage of the August referendum amended the Constitution to provide all citizens the right to appeal to the Constitutional Court. Citizens also have the right to appeal to the European Court of Human Rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language or Social Status

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, language, social status, or membership in political parties, trade unions, or other public organizations; however, in the wake of the Nagorno-Karabakh conflict, there was widespread anti-Armenian sentiment in society.

Women.—Violence against women, including domestic violence, continued to be a problem. In rural areas, women had no real recourse against assaults by their husbands or others; no laws exist regarding spousal abuse or spousal rape. There is a law against rape, which makes rape punishable by up to 15 years in prison; however, many incidents went unreported because such subjects were taboo in society. According to the Society for the Defense of Women's Rights (SDWR) and the Ministry of Internal Affairs, there were 39 rapes and attempted rapes reported during the year. There were no government-sponsored or funded programs for victims of domestic violence. In 2001 the Institute for Peace and Democracy opened a women's crisis center in Baku to assist women on a variety of issues, including physical abuse.

Prostitution was a serious problem, particularly in Baku. The legal age of consent was 16. According to the Criminal Code, prostitution is not a crime, but a personal matter, and prostitutes cannot be criminally charged. However, pimps and brothel-owners are liable to criminal laws. Pornography is prohibited.

Trafficking in women was a problem (*see* Section 6.f.).

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem, and traditional social norms continued to restrict women's roles in the economy. Representation of women was significantly lower in the higher levels of the work force, and there were few women in leading business positions. The labor law prohibits pregnant women from working at night and pregnant women with children under 18 months of age from working more than 36 hours per week. According to the labor law, women are also prohibited from working underground.

There were 24 registered NGOs that addressed issues pertaining to women. The SDWR, one of the most active women's NGOs in the country, provided speech and communication training for women from all political parties.

Children.—The Constitution and laws commit the Government to protect the rights of children to education and health care; however, difficult economic circumstances limited the Government's ability to carry out these commitments. Public education was compulsory, free, and universal until the age of 17. During the year, 86.7 percent of school-age children attended school. The Government provided minimum standards of health care for children, although the quality of medical care overall was very low.

The Criminal Code mandates severe penalties for crimes against children, and the young generally were treated with respect regardless of gender. There was no known societal pattern of abuse of children. A large number of refugee and IDP children lived in substandard conditions in refugee camps and public buildings (*see* Section 2.d.). In some cases, particularly among Chechen refugees, children were unable to attend school. Poverty at times compelled families to send their children to beg on the streets (*see* Section 6.c.).

Trafficking of children continued to be a problem (*see* Section 6.f.).

Persons with Disabilities.—The law gives priority to persons with disabilities in obtaining housing, as well as discounts for public transport and pension supplements. The Government did not have the means to fulfill these commitments. There are no special provisions in the law mandating accessibility to public or other buildings for persons with disabilities, and such access was not a government priority.

National/Racial/Ethnic Minorities.—Many indigenous ethnic groups live in the country. The Constitution provides for the right to maintain one's nationality and to speak, be educated, and carry out creative activity in one's mother tongue or any language, as desired. However, some groups have complained that the authorities restricted their ability to teach or print materials in indigenous languages. Sepa-

ratist activities undertaken by Farsi-speaking Talysh in the south and Caucasian Lezghins in the north in the early 1990s engendered some suspicions in other citizens and fostered occasional discrimination. Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, also complained of discrimination. A senior government official was responsible for minority policy. Some members of other ethnic groups also complained credibly about discrimination. Preventing this discrimination was not a government priority.

Some Armenians and persons of mixed Armenian-Azerbaijani descent have complained about being unable to register their residences, find work, and get access to medical care and education due to their ethnicity. The approximately 10,000 to 30,000 citizens of Armenian descent complained of discrimination in employment, schooling, housing, and other areas. They also complained of discrimination and harassment at workplaces, and of the refusal of local government authorities to pay pensions. Most shielded their identity or tried to leave the country. Some changed their nationality, as reported in their passports. Armenian widows have had permits to live in Baku revoked. Some persons of mixed Armenian-Azerbaijani descent continued to occupy government positions. Public figures whose parents reportedly were of mixed-Armenian and Azerbaijani marriages, or had such marriages, were attacked publicly by colleagues in the press.

In the area of the country controlled by ethnic Armenian forces, the Armenians forced approximately 600,000 ethnic Azerbaijanis to flee their homes (*see* Section 2.d.). The regime that controlled these areas effectively banned them from all spheres of civil, political, and economic life.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including the right to form labor unions; however, there were some limits on this right in practice. The Azerbaijani Labor Federation, which was close to the Government, claimed some 300,000 members. The semi-independent Azerbaijan Trade Union Confederation (ATUC) had 1.5 million members, of which approximately 800,000 were active. The overwhelming majority of labor unions still operated as they did under the Soviet system and remained tightly linked to the Government. Most major industries were state-owned. Police, customs, and military personnel were prohibited from forming unions. The law prohibits trade unions from engaging in political activity, but individual members of trade unions had no such restrictions.

In 1997 the State Oil Company (SOCAR) formed a progovernment union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former Independent Oil Workers Union without a vote by the union membership. It continued to operate without a vote by its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operated outside of established trade union structures and promoted the interests of workers in the petroleum sector.

According to the International Confederation of Trade Unions' (ICFTU's) Annual Survey of Violations of Trade Unions Rights during the year, one of the most serious problems facing unions in the country is that union dues rarely were transferred to them. As a consequence, the unions did not have the resources to carry out their activities effectively. The ATUC has listed approximately 40 enterprises in almost all sectors where dues have not been transferred.

There were reports of antiunion discrimination by foreign companies operating in Baku; however, there were no reports of government antiunion discrimination. Labor disputes were handled by local courts. The ATUC sometimes helped plaintiffs with lawyers and legal advice.

Unions were free to form federations and to affiliate with international bodies. In November 2000, the ATUC became a member of the ICFTU.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining agreements to set wages in state enterprises and a labor inspectorate continued to operate; however, these laws did not produce an effective system of collective bargaining between unions and enterprise management. Government-appointed boards ran the major state-owned firms and set wages. Unions did not effectively participate in determining wage levels. In a carryover from Soviet times, both management and workers were considered members of professional unions.

The Constitution provides for the right to strike, and there were no legal restrictions on this right. The law prohibits retribution against strikers. Some classes of workers, such as police, judges, or public transport workers, are prohibited from

striking. During the year, there were several peaceful strikes to demand salary increases or payment of unpaid wages.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution allows forced or bonded labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person. Two departments in the General Prosecutor's office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) were responsible for enforcing the prohibition on forced or bonded labor.

According to Human Rights Watch, in some military units officers secretly used conscripts as unpaid laborers on construction projects. In July eight conscripts died in 1 week, from sunstroke (*see* Section 1.a.).

No constitutional provisions or laws specifically prohibit forced or bonded labor by children. There were reports that some parents forced their children to beg.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment was 16 years. The law allows children ages 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. However, children at the age of 15 may work if the workplace's labor union does not object. There were no explicit restrictions on the kinds of labor that 15-year-old children may perform with union consent. The Ministry of Labor and Social Security had primary enforcement responsibility for child labor laws. With high adult unemployment, there were few, if any, complaints of abuses of child labor laws.

At year's end the Government had not ratified the International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The Government has set by decree the nationwide administrative minimum wage at \$5.00 (27,000 manats) per month. This wage was not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manats) per person. Most workers earned more than the minimum wage. Many relied on the safety net of the extended family. Many families relied on remittances from relatives working in Russia. Combinations of these and other strategies were the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek was 40 hours. There was a 1-hour lunch break per day and shorter breaks in the morning and afternoon. The Government attempted to enforce this law in the formal sector, but not in the informal sector where the majority of persons worked.

Health and safety standards existed but were ignored widely. Workers could not leave dangerous work conditions without fear of losing their jobs.

Foreign workers are protected under the law and enjoyed the same rights as citizens.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons, although traffickers may be prosecuted under articles prohibiting forced prostitution and labor; trafficking in persons remained a problem. There were unconfirmed reports that corruption by officials facilitated trafficking.

Under the Criminal Code, the act of forcing an individual into prostitution carries a 10 to 15 year jail term, which is a harsher sentence than in the previous code. The Criminal Code provides severe penalties for people who enslave, rape, or coerce children into prostitution. The Criminal Code is not limited to citizens in Azerbaijan, but it has no extra-territorial effect. During the year, four persons whom international organizations consider to be traffickers were prosecuted under forgery laws in the Criminal Code. The Government, with the consent of the President, was formulating a national plan of action with the goal of amending their Criminal Code to include specific anti-Trafficking in Persons (TIP) legislation at year's end.

According to the International Organization for Migration (IOM), the country was primarily a country of origin and a transit point for trafficked women, men, and children. They were trafficked into northern Europe, particularly to the Netherlands and Germany, where many unsuccessfully sought asylum. Traffickers usually sent women to the United Arab Emirates (UAE), Iran, Turkey, or Western Europe, mainly Germany, to work as prostitutes. Women from Iran, Russia, and sometimes Iraq were transported through the country to the UAE, Europe, and occasionally the U.S. for the same purposes.

Traffickers generally targeted women; however, there also were cases in which men and children were victims of trafficking. Traffickers were either foreigners or ethnic Azerbaijanis who acted as middlemen for large trafficking syndicates headquartered abroad. Victims were approached directly and indirectly through

friends and relatives. Traffickers also used newspaper advertisements offering false work abroad. According to the Society for the Defense of Women's Rights, draft-age men seeking to escape military service in 2000 were invited by local traffickers to work in the hotel industry in Turkey, but ended up in male brothels. Another NGO reported that families of young women had been approached by individuals claiming that visiting Iranian businessmen had seen their daughters and wished to marry them. Following parental permission for such marriages, the women were transported to Iran to work as prostitutes.

There was no evidence of government complicity in the facilitation of the trafficking of persons; however, NGOs suspected that lower-level civil servants accepted bribes from traffickers in exchange for turning a blind eye to their activities.

The Ministry of Internal Affairs, the Ministry of Labor and Social Protection, and the Border Guards were responsible for antitrafficking efforts. There were no government antitrafficking campaigns. There was no mechanism to return trafficked women to Azerbaijan, but the Government stated that it had in place a program to assist trafficked victims. There were no reports of deportations of Azerbaijani nationals back to Azerbaijan for trafficking or prostitution.

The IOM has conducted awareness campaigns and unveiled a study of trafficking in the country. Several NGOs and the State Committee for Women's Issues of the Azerbaijan Republic dealt with the problems of trafficking in women and prostitution.

BELARUS

According to its amended Constitution, the country is a republic with a directly elected President. President Alexander Lukashenko (elected in 1994) continued to undermine democratic institutions through a series of unfair elections and a seriously flawed constitutional referendum. In September 2001, President Lukashenko renewed his term in office through an election process that the Organization for Security and Cooperation in Europe (OSCE) described as neither free nor fair. The October 2000 parliamentary elections received a similar evaluation. The judiciary is not independent.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which reported directly to the President, shared law enforcement and internal security responsibilities. Under the law, the President has the right to subordinate all security bodies to his personal command. Apart from the President, civilian authorities did not maintain effective control of the security forces. Under Lukashenko's direction, the Presidential Guard—which was created initially to protect senior officials—continued to act against the political enemies of the Lukashenko regime with no judicial or legislative oversight. Members of the security forces committed numerous serious human rights abuses.

The country had a population of approximately 10 million. The economy was planned centrally with industry accounting for approximately half of economic output. The majority of workers were employed in the state industrial and state agricultural sectors. In the state sector wages were lower than the national average and wage arrears were chronic though often of short duration and limited scope. Official macroeconomic statistics have become more reliable, and showed that living standards for many segments of society continued to decline. Residents of small towns and rural areas, where incomes were particularly low, sustained themselves through unreported economic activity and subsistence farming.

The regime's human rights record remained very poor and worsened in several areas. The authorities effectively continued to deny citizens the right to change their government. At least one suspicious death of a political activist was reported. The authorities did not undertake serious efforts to account for the disappearances of well-known opposition political figures in previous years and discounted credible reports during the year regarding the regime's role in those disappearances. Police abuse and occasional torture of prisoners and detainees continued. There were also reports of severe hazing in the military forces. Prison overcrowding remained a problem. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated detentions greatly increased, although many of those detained were held for brief periods. The security services continued to infringe on privacy rights and freedom of movement by closely monitoring the activities of opposition politicians, human rights organizations, and other segments of the population.

The regime continued to restrict freedom of speech and of the press, and did not respect freedom of assembly or association. The regime introduced several new decrees that further restricted these freedoms. It began an assault on the independent

media that resulted in the closure of several newspapers and the jailing of journalists on libel charges. The authorities also enacted a new law on religious groups that severely restricts freedom of religion and favors the Russian Orthodox Church at the expense of nontraditional religions. The regime restricted freedom of movement.

Opposition political parties and movements were subjected to increased pressure through both judicial and extra-judicial measures, including physical abuse of political opponents. Regime security agents closely monitored human rights organizations and hindered their efforts. Domestic violence and discrimination against women remained significant problems. The authorities continued to restrict severely workers' rights to associate freely, organize, and bargain collectively. Trafficking in women and children remained a problem, which at the end of the year the authorities took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings committed by the regime or its agents during the year. The use of excessive force by police led to one death in custody.

On September 5, the Minsk City Prosecutor's Office charged two police officers with beating a homeless man in their custody to death in late August. A forensic examination indicated the cause of death was injuries suffered from a beating. The case was pending at year's end.

In December 2001, Andrei Zaitsev, a 24-year-old Gomel-based opposition activist, is alleged to have hanged himself a few days after he had been sentenced to 3 months confinement on a minor trumped-up charge. Friends and family noted numerous inconsistencies and irregularities in the suicide and demanded a criminal investigation. Before his death he allegedly left both a note stating that the KGB had tried to recruit him, as well as an audio recording of his conversation with a KGB officer named Yevstigneyev. According to Zaitsev's note, the KGB agent offered him freedom in exchange for cooperation with the KGB. Gomel District Prosecutor Vladimir Podsekin insisted that the death was indeed a suicide, and claimed that the KGB was not responsible. In explaining his rejection of the parents' request to institute criminal proceedings, Podsekin noted only that the law does not prohibit the KGB from recruiting informers.

Former government investigators and human rights monitors continued to provide credible reports that senior regime officials were involved in the disappearances and presumed murders of journalist Dimitry Zavadsky in 2000 and opposition figures Yury Zakharenko, Viktor Gonchar, and Anatoliy Krasovsky in 1999 (see Section 1.b.). Observers suspect that Zakharenko, Gonchar, and Zavadsky, who each worked for the Lukashenko regime prior to joining the opposition, were killed because of their involvement with the opposition.

On November 20, a journalist from neighboring Ukraine, Mykhailo Kolomyets, was found hanged near Malodocheno in Belarus. Kolomyets disappeared from Kiev on October 28. The Kiev prosecutor's office invited a team of foreign investigators to help determine whether Kolomyets committed suicide (see section 2.a.).

b. Disappearance.—There were no confirmed reports of politically motivated disappearances.

Despite the conviction of four members of the SOBR (a special Ministry of the Interior SWAT team), whose activities led them to be popularly known as a "death squad," the cases from previous years regarding disappearances of several opposition leaders, including Dimitry Zavadsky, remain unresolved. On March 14, the regime convicted four SOBR members, Valery Ignatovich, Maksim Malik, Aleksei Guz, and Sergei Saushkin in the disappearance of Dmitri Zavadsky. In July 2000, Zavadsky, a cameraman for the Russian television network ORT and previous cameraman for President Lukashenko, disappeared at the Minsk Airport while waiting for ORT journalist Pavel Sheremet to arrive from Moscow. Zavadsky and Sheremet had been arrested in 1997 by regime authorities for crossing the border illegally while filming a documentary critical of the Lukashenko regime.

The accused were charged with the Zavadsky kidnaping, and also with seven premeditated murders, five armed assaults, and a second kidnaping. The proceedings were closed to the public and press. The trial, which was viewed widely as unjust by observers, also resulted in a criminal charge of slander filed against the attorney for Zavadsky's mother after he called on the court to examine investigative records implicating current Prosecutor General Sheiman in the abductions and murders. Zavadsky's wife and a lawyer representing his mother were allowed to attend, but were under court order not to disclose anything about the court proceedings. The trial was notable for not addressing the obvious question of what the accused even-

tually did with Zavadsky after kidnaping him. Some observers claimed that SOBR member Ignatovich was drugged during the testimony phase of the trial so that he could not incriminate others; the authorities stated that he was semiconscious because he was on a hunger strike. The judge later ordered him removed from the courtroom. Many human rights advocates believe that the regime's handling of the Zavadsky case did not constitute meaningful progress toward resolution because of the officials' refusal to investigate whether higher authorities ordered the kidnaping and execution.

However, there was considerable evidence which appeared to link the Zavadsky disappearance to those of other leading regime opponents. In 2000 an open letter on the Internet, reportedly written by a KGB officer, alleged that Zavadsky had been killed by a group of former and serving security service officers, and that senior authorities interceded with Lukashenko in order to prevent investigators from fully examining the case. Lukashenko claimed that the Internet letter was a fabrication and promised to renew the investigations into the disappearances; however, following his announcement he removed both Prosecutor General Oleg Bozhelko and KGB Chief Uladzimir Matskevich, who had been leading the investigation. Shortly thereafter, Lukashenko appointed Sheiman to the post of Prosecutor General.

In January 2001, ORT reported that the decision to replace these two officials was in fact a direct response to the arrest of Dmitriy Pavluchenko, head of a special Almaz brigade, in connection with the abduction and suspected killing of Gonchar and Krasovsky (see Section 1.a.). The report alleged that Pavluchenko was arrested but released after Lukashenko personally intervened. Sources close to the former KGB Chief and the former Prosecutor General stated that the two had requested permission to arrest Viktor Sheiman, then head of the Presidential Security Council, for ordering the killings. Lukashenko had refused; instead he dismissed them and put Sheiman in charge of the investigation.

There also has been no progress in the case of former Minister of Internal Affairs Yury Zakharenko, who disappeared on May 7, 1999. Zakharenko, who was popular among Ministry of Interior personnel and a close associate of then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative in which Chigir was one of the principal candidates. An investigation began 6 months later, but there was no evidence that the authorities had taken concrete steps to resolve the case. The regime failed to present any information on the investigation in response to a request from the U.N. Working Group on Involuntary Disappearances, and continued to harass and hinder the investigations into Zakharenko's disappearance by independent nongovernmental organizations (NGOs).

During the September 2001 presidential campaign, regime-dominated media repeatedly ran stories alleging that Zakharenko was alive and well in Germany and that his disappearance had been fabricated by the opposition. In December 2001, following the presidential elections that fall, Zakharenko's wife accused Lukashenko of direct involvement in Zakharenko's disappearance. She subsequently fled the country with her children, seeking political asylum. At a September 17 press conference, Lukashenko repeated his previous assertions that Zakharenko was alive, claiming again that the opposition faked his disappearance. In the same month, the Minsk City court rejected an appeal by Zakharenko's wife Olga, who sought to have her husband declared legally dead.

There has been no satisfactory resolution of the September 1999 disappearance of 13th Supreme Soviet Deputy Chairman Viktor Gonchar and his local business associate Anatoly Krasovsky. The disappearances of both occurred after Lukashenko, in a meeting broadcast on state television, ordered the chiefs of his security services to crack down on what they consider opposition scum. At the time, Gonchar was a high-profile anti-regime politician and Krasovsky was considered an active fundraiser for the opposition. On November 20, a Minsk court ruled that Krasovsky was missing but refused to find him legally dead. On December 5, another Minsk court handed down a similar ruling on the legal status of Gonchar. Zakharenko's status is on hold pending the outcome of criminal proceedings.

Irina Krasovskaya, the wife of businessman Anatoly Krasovsky, reported that she had received additional evidence from Oleg Alkayev, the former warden of Minsk's death row prison, at an October 13 meeting in Germany. According to her statement, she and Garri Pogonyailo of the Belarusian Helsinki Committee had a lengthy conversation with Alkayev in which he confirmed again that he had issued the execution pistol to the commander of the SOBR on dates preceding the disappearances, as well as the pistol's return following them.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police and prison guards regularly beat detainees and prisoners. By law, police and prison officials may use phys-

ical force only against detainees and prisoners who are violent, have refused to obey the instructions of the prison administration, or have violated “maliciously” the terms of their sentences. However, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure. In 2000 the U.N. Committee against Torture issued conclusions and recommendations in its third periodic report on the country. The Committee cited concern over the deterioration in the human rights situation and noted numerous continuing allegations of torture and inhuman treatment or punishment of political opponents of the regime and peaceful demonstrators committed by, or with the acquiescence of, state officials.

Police and plainclothesmen frequently beat individuals while arresting them or holding them in detention. On February 20, Dmitry Dashkevich filed a formal complaint that police officers beat him on the way to the police station following his arrest after demonstrations on February 14 even though he did not resist the arrest. At the police station, he was handcuffed to a radiator and beaten along with Stanislav Ivashkevich, another detainee.

Police reportedly beat and tortured Alexander Chigir, the younger son of prominent opposition politician Mikhail Chigir, and he was convicted on March 6 to 7 years in prison on charges of stealing auto parts, charges that many observers believed were fabricated. Both Alexander Chigir and two witnesses who testified against him later said that their confessions and testimony had been the result of police beatings and torture. According to Yashin, the police first tortured him, demanding statements against Chigir junior, then incarcerated him in a dark cell without fresh air on a death-row prison block, where he developed tuberculosis. He was brought into the courtroom in a TB mask. When called to court, police officers denied using any rough methods against either Yashin or Yutskevich. However, medical experts confirmed that both had numerous bruises. Alexander Chigir’s lawyer was hospitalized following an attack by unknown individuals on March 6, and was unable to represent his client for most of the trial.

Police also frequently beat participants in demonstrations and at times denied them food while they were in detention (*see* Section 2.b.). Retired police Lieutenant General Myacheslav Grib told journalists on March 25 that the police enjoyed “permissiveness and impunity for several years.” He said that police violence against peaceful street demonstrators, which has become an ordinary occurrence and is almost encouraged by the authorities had made the process uncontrollable and that more ordinary individuals increasingly found themselves to be victims of ill-treatment.

There were also suspicious beatings of political opponents reported during the year. At year’s end no one had been charged with, or arrested for, the assaults. On the evening of June 9, the husband of United Social Democratic Party (USDP) leader Valentina Polevikova was beaten up in the evening as he exited a trolley bus to return home. He did not see his attackers, and regained consciousness the following morning lying on the compound of a nearby kindergarten.

Seven Hindus were assaulted in several incidents in late August and early September while the regime was cracking down on that religious movement. One of them, Tatyana Zhilevich, was beaten up and taken to a hospital with head injuries (*see* section 2.c.).

On September 16, Aleksei Korol, deputy chairman of the USDP, was assaulted and robbed by unidentified assailants when he was returning home from Vilnius, Lithuania, after meetings with Lithuanian Social Democrats. Near the entrance to his house, he was hit on the head with something heavy and lost consciousness for approximately 15 minutes. While unconscious, his bag, passport, and wallet were taken. The USDP has condemned the attack on Korol as political.

Dedovshchina—the practice of hazing new army recruits through beatings and other forms of physical and psychological abuse—reportedly continued. During the year, 15 criminal charges were brought against servicemen accused of battering their subordinates and disciplinary action was taken against 160 officials. The authorities blocked efforts by family members and human rights monitors to investigate these and other reports of Dedovshchina.

Prison conditions remained poor and were marked by severe overcrowding, shortages of food and medicine, and the spread of such diseases as tuberculosis, syphilis, and HIV/AIDS. Interior Minister Naumov stated on May 28 that the prison population exceeded its capacity by 37 percent. In addition, credible reports indicate that prison guards regularly beat detainees and prisoners. According to Vladimir Kudinov, a member of the disbanded Parliament and vocal critic of the Lukashenko regime who spent 4 years in prison, torture was widespread in prisons.

According to human rights monitors, conditions at prison hospitals were also poor. The average amount of space provided for each inmate was 1.2 square yards. In

many cases, food provided in prisons did not meet minimum medical requirements. In September Hindu detainees who adhere to a strict vegetarian diet were given regular meat-based food to eat (*see* Section 2.c.). Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to declining health while awaiting trial. Two protesters affiliated with Zubr (a well-known youth movement) complained about conditions of confinement, saying that the cells were overcrowded and often contained alcoholics who experienced delirium. The pair were not allowed exercise and were unable to walk during their 10-day detention. In addition, the wife of a Hindu leader who was jailed for praying in the street was beaten by other inmates while in prison (*see* Section 2.c.).

According to prison policy, male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees normally were held separately from convicted prisoners; however, due to prison overcrowding, they occasionally were held together.

At times the regime granted human rights monitors access to observe prison conditions; however, only family members and lawyers were permitted to visit individual prisoners during the year.

d. Arbitrary Arrest, Detention, and Exile.—The law places limits on arbitrary detention; however, security forces continued to arrest and detain citizens arbitrarily. Such detentions most often were connected with demonstrations, some of which were not authorized (*see* Section 2.b.). Politically motivated arrests continued, although most of those arrested were released within a few days or hours.

Both the Criminal Procedure and Administrative Codes specify that police may detain a person for up to 3 hours without providing any explanation for the detention, and the authorities frequently used this provision to detain opposition members and demonstrators. According to the Criminal Code, police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator finds that the detention is legal, a suspect may be held for a maximum of 10 days without a formal charge. However, once the decision is made to hold a suspect, formal charges generally are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general may extend pretrial detention to 18 months to allow for further investigation. Alternatively a suspect who has been charged may be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law gives detainees the right to petition the court (rather than the procurator) to determine the legality of their detention. In practice the appeals of suspects seeking court review of their detentions are frequently suppressed because detention officials are unwilling to forward the appeals. Statistics on the number of persons in pretrial detention and the average length of such detention were not available. No provision for bail exists under the legal code.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. In some cases the information gained in interrogations conducted without counsel was used against the defendant in court. Access by family members to those detained was at the discretion of the investigators and they frequently were not notified when a family member, even a juvenile, was detained.

Lengthy pretrial detention periods were common. At year's end, for example, the following persons remained in detention: Mikhail Leonov, director general of the MTZ tractor factory had been in pretrial detention since his arrest in early January on corruption charges; artist Ales Pushkin had been in detention since he was arrested in Minsk in July for attempting to stage a performance on Republic Day, the date authorities mark the liberation of Minsk from German Nazi occupation; entrepreneur Oksana Novikova remained in detention after having been arrested on October 17 for passing out anti-Lukashenko leaflets in Minsk's Oktyabrskaya Square; and 61-year-old industrialist and recent presidential candidate Leonid Kalugin had been in pretrial detention since November 2001, when he was charged with abuse of power, illegal currency practices, and illegal business activity.

Unidentified plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in antiregime demonstrations and in the distribution of opposition materials. There were several reports that individuals and members of organizations involved in publishing opposition media were arrested and detained (*see* Section 2.a.). Security officials also held some detainees incommunicado following demonstrations. In addition to the hundreds of antiregime protesters, many of whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention. In some cases these detentions lasted more than 1 year (*see* section 1.c.).

While the Constitution does not address forced exile and the authorities did not generally use forced exile, there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

e. Denial of Fair Public Trial.—The 1994 Constitution provides for an independent judiciary; however, in practice the judiciary was not independent and was unable to act as a check on the executive branch and its agents. The 1996 Constitution further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining 6 are appointed by the Council of the Republic which itself is composed of individuals appointed by the President or those deferential to the President. The President appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President also has the constitutional authority to appoint and dismiss all district and military judges.

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. The Constitutional Court was established to adjudicate serious constitutional issues; however, because it was dependent on the executive branch, it did not in practice challenge presidential initiatives. The Constitutional Court has no means of enforcing its decisions.

Prosecutors, like the courts, were organized into offices at the district, regional, and republic levels. They ultimately were responsible to and serve at the pleasure of the Procurator General, who was appointed by the Council of the Republic. Prosecutors were not independent and did not have the authority to bring charges against the President or the Presidential Administration.

A Presidential decree subordinates all lawyers to the Ministry of Justice, which controls the licensing of lawyers; therefore, the bar association also was to a considerable extent under Ministry of Justice control. According to international legal experts and human rights monitors, the decree seriously compromised the independence of lawyers from the authorities. For example, authorities disbarred human rights lawyer Igor Aksyonchik for his participation in the trial of the convicted kidnapers of ORT cameraman Dimitri Zavadsky (see section 1.b.).

Both the 1994 and 1996 Constitutions provide for public trials, although there can be exceptions in cases established by law (for example, in cases of rape or on grounds of national security). The courts increasingly closed trials to observers. The September 11 libel trial of Viktor Ivashkevich was closed to the public (see Section 2.a.). International and domestic observers were also barred from the trials of Pahonia journalists Nikolai Markevich and Pavel Mazeyko (see Section 2.a.). Judges adjudicated trials. Only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial did juries determine innocence or guilt. Since judges were dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing, there were widespread and credible reports that executive and local authorities dictated the outcome of trials to the courts. The Procurator's Office denied these assertions.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected. By law detainees must be allowed unlimited access to legal counsel and for those who cannot afford counsel, the court must appoint a lawyer. However, at times this right was not respected. A district judge denied Yury Belenky access to his lawyer at his October 1 trial for holding an unsanctioned demonstration (see Section 2.a.).

The Constitution establishes a presumption of innocence; however, in practice defendants frequently had to prove their innocence. According to 1998 statistics, the latest available, from the Belarusian Helsinki Committee, criminal charges were brought by prosecutors against 59,700 individuals. Of these only 272, or fewer than 0.5 percent, were found to be not guilty.

Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in reversals of verdicts. In an appeal, neither defendants or witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Throughout the year, anti-regime protestors arrested after demonstrations were subjected to assembly-line style trials, often without the right to counsel or the opportunity to present evidence or call witnesses (see Section 2.b.). For example, Vintsuk Vyachorka, the leader of the opposition Belarusian Popular Front, was sentenced to 15 days in prison in 2001 for holding an unsanctioned rally in March of that year; at his trial he was not allowed an appeal or a closing statement.

On April 3, the Prosecutor General's Office announced that it had taken Yury Yankelevich, a department head at the Gomel State Medical Institute, into custody

in connection with the June 2001 bribery investigation against a university professor, Yury Bandazhevsky. The Prosecutor's Office alleged that in 1997 while working for the institute, Yankelevich accepted a large bribe, which he shared with Bandazhevsky. Seven other faculty members in addition to Yankelevich were charged with bribery. However, in each case the courts suspended sentencing. Bandazhevsky and another professor, Vladimir Revkov, had been convicted of bribery in June 2001, after a 4-month trial and sentenced to 8 years in prison. Revkov, who had already spent 19 months in a local pretrial detention cell, is the former deputy rector of the Gomel State Medical Institute, and Bandazhevsky is a former rector of the Institute. Testimony from students and parents reportedly was coerced.

Andrei Klimov of the disbanded elected Parliament was released from prison in April. He had been convicted in 2000 on what were considered widely to be fabricated charges of malfeasance and large-scale embezzlement in the handling of government contracts at a property development firm that he ran.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, these rights were not respected in practice. The interception of telephone and other communications without a court order is prohibited; however, in practice the regime continued to monitor residences, telephones, and computers. The KGB, MVD, and certain border guard detachments use wiretaps, but under the law they must obtain a prosecutor's permission before installing them; in addition, the KGB entered homes, conducted unauthorized searches, and read mail without warrants.

The prosecutor's office exercised no independence, effectively rendering the due process protections regarding wiretaps meaningless. The Administrative Offenses Code provides penalties for those who obstruct KGB officers in the performance of their duties. Any effort to prevent KGB officers from entering the premises of a company, establishment, or organization is a criminal offense, as is any refusal by such entities to allow audits or to deny or restrict access to company information systems and databases. Contracts used by the Ministry of Communications for supplying telephone service forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

Nearly all opposition political figures report that the authorities monitored their activities and conversations. The regime did nothing to refute these reports. Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services. On September 9, UCP leader Anatoly Lebedko asked the Prosecutor General's Office to investigate the illegal wiretapping and publication of his private conversation with a Russian parliamentarian. Giving no reason, the Prosecutor General declined to investigate the charge.

The Presidential Guard (or security service) reportedly continued to conduct surveillance activities of the President's political opponents. There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly thwarted attempts to exercise such oversight. Some regime officials are themselves monitored. Militia officers assigned to stand outside diplomatic missions are known to keep records of visits by political opposition leaders. On November 4, opposition leader Anatoly Lebedko was detained forcibly near a foreign Embassy by plainclothes officers who refused to identify themselves. They drove him to the KGB headquarters and issued him a formal warning that he would be charged with treason if he did not cease his contacts with foreigners. Some opposition figures expressed reluctance to visit foreign embassies due to fear of reprisals.

Harassment in the form of inspections by security officials and confiscation of political literature, often without warrants, was widespread. Targets included opposition candidates and their supporters. In March opposition leaders traveling to a conference in Lithuania were subjected to detailed personal searches at the border, and UCP leaders Lebedko and Romanchuk had their papers and laptop confiscated upon return from an October conference in Prague.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Both the 1994 and 1996 Constitutions provide for freedom of speech as well as the freedom to receive, retain, and disseminate information; however, the regime restricted these rights in practice. Laws and decrees restrict freedom of expression by limiting citizens' use of symbols and words on posters and by overly broad interpretation of libel laws to restrict criticism of regime officials and activities. The regime restricted freedom of the press in many ways, including: Use of libel laws, limitations on foreign funding, pressure on businesses not to advertise with independent media, limitations on access to newsprint, denial

of accreditation to critical journalists, censorship, restrictions on the import of media-related materials, temporary suspension of opposition periodicals, legal action against the main independent publishing house, and detention of individuals seeking to distribute opposition newspapers. The regime made use of its monopoly on television broadcasting to present biased news coverage and to minimize the presentation of opposing points of view. These restrictions on press freedom were particularly severe in the period before the September 2001 presidential election.

The executive branch continued its suppression of freedom of speech. A 1997 presidential decree prohibits a range of broadly defined activities and limits freedom of expression. The decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the State, as well as emblems, symbols, and posters that intended to harm the State and public order or rights and legal interests of the citizens. The decree also bans activities that demean state authorities. This decree has been used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the red and white flag. A 1998 decree limited citizens' right to express their own opinions. In 2001 Ales Abramovich, Alesia Yasiuk, Nadzeya Grachukha, and Dmitry and Mikhail Kuznitsov were arrested and charged with defamation for verbal abuse of the president's honor and dignity during the course of a 30-minute demonstration in Borisov. Throughout the year, the regime fined, warned, or jailed members of the media, members of opposition and religious groups, and others who publicly criticized the regime. On October 17, Oksana Novikova was arrested for distributing anti-Lukashenko pamphlets in Minsk and charged with slandering the President. She was subsequently released. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office may ask the prosecutor to sue the newspaper that printed the criticism.

The newspapers and other print media with the largest circulation were state-owned, although there also were a number of independent publications, some of which were critical of the regime. Independent newspapers were available widely in Minsk, but outside of the capital, variety was limited to the state-run national newspaper and local newspapers, only some of which were independent.

All nationally-available radio and television broadcasts originating in the country were government-owned, although some broadcasts from other countries, including Russia, Poland and Lithuania, could be received in many parts of the country. State-controlled Belarusian Television and Radio (BTR) maintained its monopoly as the only nationwide television station. Its news programs regularly featured reporting that was biased heavily in favor of the authorities, sharply critical of opposition politicians, and failed to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas and reported local news relatively unhindered by the authorities. However, most of these stations reported that they were under pressure not to report on national level issues or were subject to censorship.

The law stipulates that public insults or libel against the President may be punished by up to 4 years in prison, 2 years in a labor camp, or by a large fine. The authorities also continued to make use of the articles in the criminal code which prohibits slandering and insulting the President or government officials to stifle press freedom. The criminal code provides for a maximum penalty of 5 years' imprisonment for such offenses. According to the Belarusian Association of Journalists (BAJ) President Zhana Litvina, the laws penalizing slander of a government official effectively impose a ban on press criticism of the regime. In September BAJ began to collect signatures for a petition to remove the three articles, but the regime had not responded to the petition by year's end.

On June 25, a court in Grodno sentenced Nikolai Markevich, editor-in-chief of the independent newspaper Pahonia, and Pahonia journalist Pavel Mozheiko, to 2 ½ and 2 years of khemia (internal exile), respectively. The two were convicted of printing a libelous article about President Lukashenko in a September 2001 issue of Pahonia. During the 2-month trial, local authorities attempted to prevent media, human rights observers, and international diplomats from attending the trial.

On August 27, chief editor Pavel Zhuk announced the closure of the independent newspaper Nasha Svoboda. One of the country's leading independent newspapers, Nasha Svoboda closed after a Minsk court handed down a fine of \$55,000 (96.5 million rubles) in damages in a libel suit filed by Anatoly Tozik, chief of the state control committee. Tozik claimed an article injured his reputation. Unable to collect the fine, the regime seized Nasha Svoboda's equipment and froze the newspaper's bank assets.

On September 21, the Prosecutor General's Office initiated libel proceedings against Beloruskaya Delovaya Gazeta journalist Irina Khalip. This action was in re-

sponse to Khalip's articles about investigations by the authorities into the alleged corrupt business practices of Viktor Kozeko, the former head of a large state-owned food concern, Belgospisheprom, and his son. The Prosecutor's Office also issued a warning to Delaya Sluzhebnoho Polzovania, a monthly supplement featured in Belorusskaya Delaya Gazeta.

On October 15, a Minsk City court panel upheld a previous court decision sentencing Viktor Ivashkevich, editor-in-chief of the independent newspaper Rabochy, to 2 years "restricted freedom" for defaming the president.

On July 25, frustrated with press mockery of the annual harvest campaign, Lukashenko ordered the Minister of Information to bring the opposition press "to its senses." Information Minister Mikhail Podgainy responded by stating his intent to use personal tools to influence the independent press. Podgainy said he could easily find infractions and issue warnings to periodicals. The Minister relied on dialog with the independent press and noted that non-state periodicals had been publishing "more objective materials" lately. Minister Podgainy also said that his government did not instruct the state-controlled press what and how to write. He did admit to the use of "reference points for the state media" which provided guidance on event coverage.

On October 16, according to the Belorusskaya Delovaya Gazeta, Information Minister Mikhail Podgainy instructed the editors-in-chief of FM band radio stations on what they should include in news broadcasts.

On November 29, the Ministry of Information voided the registration of the Mestnoye Vremya newspaper. According to the editor in chief, the newspaper had been subject to a series of check-ups, fines, and harassment since it first began to publish on October 31.

Independent newspapers continued to be subjected to pressure from the regime. The law specifies that the regime may close down a publication after two warnings. On February 4, the authorities issued a warning to the independent newspaper Nasha Niva following the publication of an article on the Belarusian Autocephalous Orthodox Church (*see* Section 2.c.). In May a court overturned the warning. On March 29, the Ministry of Justice issued a warning to the independent newspaper Narodnaya Volya after it published an article alleging that Lukashenko was involved in illicit weapon sales to rogue states. On February 7, Irina Makovetskaya, a reporter for the newspaper Belaruskaya Delovaya Gazeta was warned by the General Prosecutor's Office for publishing an article about police brutality.

The regime's use of presidential decrees was another obstacle for independent press. In March 2001, in a step designed to discourage foreign support for independent media, the regime published a decree "On improving the system of receipt and use of humanitarian assistance." Ostensibly aimed at stopping foreign-supported seditious activity, the decree specifically prohibits foreign-supported "activities directed at alteration of the constitutional order, overthrow of state power or encouragement of such activities . . . preparation, administration and organization of elections, referenda, organization of meetings, rallies, demonstrations, pickets, strikes, publication and distribution of promotional materials, organization of seminars and other types of promotional activities involving the population." The decree was the basis for a nationwide crackdown during the electoral campaign on independent media outlets and independent NGOs, many, if not most, of which are supported by the international community. The regime utilized tax inspections and confiscation of printed matter and equipment to immobilize much of the prodemocratic opposition throughout the campaign, thus severely restricting freedoms of speech and expression (*see* Section 1.f.).

According to a presidential decree in 2000, the independent press is prohibited from using the country name in its titles. The decree on "the Use by Legal Entities of the Name of the Republic" allows only legal entities specially authorized by the President to use the name of the country in their titles. In order to ensure loyalty to the authorities, a 1996 presidential decree designated all editors-in-chief of state-supported newspapers as state employees and members of their respective local-level government councils. Another decree granted the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a way to repay their schooling.

Regulatory provisions grant the authorities power to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. Amendments to the law prohibit the media from disseminating information on behalf of political parties, trade unions, and NGOs that are not registered with the Ministry of Justice.

In an August 22 news conference, BAJ maintained that the Ministry of Information had no right to intervene in the ongoing conflict between the founders of the

independent newspaper, Svobodniye Novosti. According to BAJ lawyer Andrei Bastunets, the Minister of Information had already instructed Belarusian Print House to consider Svaboniye Novosti activities suspended.

In an August 28 statement in response to the liquidation of the independent newspaper Svobodniye Novosti, the BAJ called for the resignation of Information Minister Mikhail Podgainy. The BAJ accused Podgainy of indirectly censoring the press by threatening to close newspapers, attempting to use the state press as an instrument of propaganda, attempting to restrict public discussion of the new draft law on media, and refusing to seek European expertise during the draft law's preparation.

During the year, the independent newspaper Narodnaya Volya was sued by several individuals following its publication of articles they claimed to be libelous. In June a Minsk city court temporarily froze the bank account of Narodnaya Volya, after two judges in Zhodino filed a libel suit against the newspaper for an article considered to be libelous. On September 20, a Minsk court ordered the confiscation of approximately \$2,630 (5 million rubles) worth of Narodnaya Volya's equipment as a settlement for another libel suit that was brought by another judge. However, on December 25, the General Prosecutor's Office rejected a request by Leonid Kozik, Chairman of the Belarusian Federation of Trade Unions of Belarus (FTUB), to close the newspaper following the newspaper's publication of an article critical of an FTUB meeting.

One effect of libel prosecutions and other measures taken by the regime has been to encourage self-censorship. BAJ Vice President Eduard Melnikov said, "Many non-governmental newspapers have abandoned sharp reporting and their staff have embarked on a path of self-censorship, which is unacceptable in normal journalism." The regime issued only two official warnings this year concerning press law violations, compared with 80 in 2001.

On August 12, Leonid Kozik, personal choice of Lukashenko as chairman of the Belarusian Federation of Trade Unions (FTUB), informed the staff of the FTUB newspaper, Belaruski Chas, that he had sacked their editor-in-chief, Aleksandr Starikevich, because of his unwillingness to cooperate with him. Among other reasons for the dismissal, Kozik claimed the former editor-in-chief refused to show him the layout of a newspaper issue. Kozik also cited Starikevich's opposition to the Belarusian-Russian union and his failure to publish a story on Kozik's election as FTUB chairman at the top of the front page (*see* Section 6.a.).

Several independent journalists were beaten by unknown assailants or by the authorities during the year. On March 17, Oleg Suprunyuk, a correspondent for Radio Liberty and deputy chief editor of the local independent newspaper Brestsky Kuryer, was beaten by unknown assailants and hospitalized. On May 4, unknown assailants also attacked Yuri Grimenyuk, an independent journalist in Grodno. On September 8, Stanislav Pochobut, another independent journalist from Grodno, was beaten by police officers after police stopped him. Pochobut was also one of three journalists detained by local authorities in the town of Pogranichny prior to the regime's destruction of a Belarusian Autocephalous Orthodox church (*see* Section 2.c.).

In addition to ruling by decree, the regime continued to use its near-monopolies on newsprint production, newspaper printing and distribution, and national television and radio broadcasts to restrict dissemination of opposition viewpoints. The regime also denied accreditation to journalists critical of the regime and kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as by fines and other administrative harassment. The authorities increased their campaign of harassment against independent media, including open censorship, requiring some independent publications to remove stories, forcing them to publish blank pages or spaces.

A 1997 decree by the Council of Ministers restricts the movement of certain goods across customs borders; the decree specifically prohibits the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." In addition, authorities searched vehicles at border crossings and on several occasions confiscated nonpartisan campaign materials being brought into the country.

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for accreditation with the Ministry of Foreign Affairs. In April the authorities refused to accredit a film crew from the Russian television network NTV. Authorities also issued a warning to NTV reporter Pavel Selin about his "preparation of biased reports." Selin had previously filed several news reports critical of the regime.

Although there were several Internet service providers in the country, they were all state controlled. The regime's monopoly on Internet service results in high prices, poor quality, limited service and allows the regime to monitor practically all e-mail.

Although the authorities had full control over the Internet because access was provided by Beltelecom—a state-owned monopoly—they appeared to be cutting off access selectively. In March the human rights NGO Vyasna reported that it was unable to access its web site for 3 days following the Internet posting of statements made by Sergei Tsurko, a lawyer for the Zavadsky family (see Section 1.b.). In April the opposition organization Charter 97 reported that unknown hackers destroyed their organization's web site.

In addition to restrictions placed on the media, the Lukashenko regime continued to restrict academic freedom. University administrators targeted and strongly discouraged research into politically sensitive subjects, such as the country's independence movement during the Soviet era, a theme that is seen to challenge the regime's policy of integration with Russia. In June 2001, the regime required that all independent, non-state academic institutions must obtain special permission from the authorities to hold educational seminars or lectures. There were also credible reports that independent universities engaged in self-censorship. The European Humanities University, one of the country's leading independent universities, reportedly asked students to refine or rethink dissertation topics if that topic was likely to embarrass the regime.

The regime also continued to harass students engaged in anti-regime activities, such as demonstrations (see Section 2.b.). During the year, the authorities harassed members of the unregistered Association of Belarusian Students (ABS). On February 15, unknown assailants broke into an ABS office in Minsk and attacked several ABS members present and stole computer equipment from the office. In April 10 members of the ABS were arrested in Grodno for illegally distributing pamphlets. In November the Maxim Tank Belarusian State Pedagogical University reprimanded several members of the ABS and expelled Ales Tarasov, a member of the ABS, for his activities with the group. Another ABS member, Kristina Vituchko, was reportedly accused by the KGB of leading a terrorist group comprised of students at the university.

b. Freedom of Peaceful Assembly and Association.—The 1994 and 1996 Constitutions both provide for freedom of peaceful assembly; however, the regime severely restricted this right in practice. Following many unsanctioned demonstrations, police and other security officials beat, detained, and attempted to coerce confessions from some demonstration participants.

Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. Under the law, the local government must respond with a decision no later than 5 days prior to the scheduled event. However, such permits were not routinely issued. Since the September 2001 elections, in most cases such permits either have not been granted, or have been granted only for demonstrations in obscure, hard-to-reach locations.

During the year, the Ministry of Justice challenged the registration of several opposition parties over their legal addresses. According to the law, all public organizations must register with the Government. These organizations were unable to obtain space in office buildings since many locations were either owned by the Government or were too expensive. Instead, they must operate out of private apartments that the Government did not consider legal addresses.

The law limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to place strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order (see Section 2.a.). The decree, along with subsequent amendments adopted by the legislature, imposes severe penalties on violators, particularly the organizers of events. The decree allows for either monetary fines or detention of up to 15 days, but courts frequently imposed high fines that the convicted cannot reasonably afford to pay. The courts punished organizers of rallies with fines of several times the average monthly wage. When individuals failed to pay fines, authorities threatened to confiscate their property.

In May 2001, Lukashenko issued a decree banning all demonstrations by unregistered organizations, limiting participation in any demonstration to under 1,000, and including a specific prohibition against the wearing of masks. According to members of opposition parties, the authorities frequently denied permission to opposition groups to meet in public buildings. Nevertheless public demonstrations occurred frequently in Minsk, varying in size from a few participants to several thousand. However, they were always under strict regime surveillance, including open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country but were less frequent, especially in eastern areas close to the border with Russia.

Following March 24 Freedom Day demonstrations in Minsk and Grodno, police beat a number of demonstrators. On March 25, a judge of Minsk's Sovetsky District Court sentenced two police investigators to prison terms for beating suspects. The following day, a judge of Minsk's Oktyabrsky District Court convicted five police officers of torture and brutality.

On April 16, Vasily Parfendov and Ales Poklad were beaten when plainclothes police, led by chief of the Sovetsky district police post Nikolai Buslo and his deputy Yevgeny Gurenkov, raided their tent at the Kuropaty memorial site near Minsk, scene of numerous, often violent demonstrations against a government road widening project over mass graves of the victims of Stalinist purges. The raid came immediately after they filed a complaint with police over several previous attacks by unknown assailants. On April 19, their tent was set afire and Ales Poklad received 2nd and 3rd degree burns to 15 percent of his body. The victims charge the fire was set intentionally. The protest site was guarded heavily by police day and night at the time, yet no one ever was charged with the assaults or arson.

On April 19, police beat 40 demonstrators after demonstrations. Six persons were hospitalized including prominent human rights defender and journalist Valery Shchukin. Demonstrators reported that they were lined up against a wall and beaten by police at the detention center.

In March 2001, Police in Grodno detained and beat photojournalist Dmitry Yegorov for taking photos of a heavy police presence in the center of town in advance of a Freedom Day march. On the same day, unidentified assailants widely believed to be linked to the police beat Vladimir Shlapak, a photojournalist in Minsk, while he was covering a similar march.

In 2001 15 cases against police officers went to trial in Minsk alone. Several officers received heavy prison sentences. Commenting on the trials of police officers charged with abuse of power, retired police Lt. General Mecheslav Grib told journalists on March 28 that, "There are so many abuses in the police's performance that it is impossible to hide them."

There were some incidents of police interference with demonstrations. On February 14, three Zubr youth group activists were detained in Gomel after a street performance called St. Luke's Day in a local park. In April the Malady Front youth group announced that the police arrested activists before demonstrations on February 14 and March 24 to prevent them from participating in the demonstrations. On April 2, a Russian NTV crew including Pavel Selin, Konstantin Morozov and Dmitry Davydenko were detained on a Minsk street before and released after 1 hour. On May 1, plain-clothes police arrested union member Yuri Ryzhkov for carrying a white-red-white flag at a rally.

At times individuals who had not been part of the demonstrations, but only innocent bystanders, were also arrested. Riot squad units stopped individuals on the street and dragged them from the sidewalk even when the demonstration was blocks away. These individuals then were charged with taking part in an unlawful demonstration. On March 24, approximately 50 persons were arrested in central Minsk at a demonstration to mark the 84th anniversary of the Belarusian National Republic. In this case, arrests started even before the demonstration began. Police also detained a bus with a children's choir that was to participate in the demonstration.

The Constitution provides for freedom of association; however, the authorities severely restricted this right in practice. During the pre-election period in 2001, the authorities regularly harassed members and supporters of opposition parties and confiscated leaflets and publications (*see* Section 3). Authorities also continued to attempt to impose severe limitations on the activities of NGOs (*see* Section 4). Employees at state-run enterprises were discouraged from joining independent trade unions (*see* Section 6.a.) and officials warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

A 1999 Presidential decree requiring all political parties, trade unions, and NGOs to reregister with the authorities by July 1, despite the fact that such public associations had already completed a lengthy reregistration process in 1995. In another 1999 regime action, Lukashenko signed into law amendments to the Administrative Offenses Code that made any work on behalf of an unregistered NGO punishable by fine. Observers believed that the intent of the decree, which increased the scope of operations and the number of members that organizations needed in order to qualify for reregistration, constituted political intimidation. The regime also announced regulations that prohibited private organizations from using private residences as their legal addresses. In light of regime control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process by making nonresidential addresses difficult to establish.

After the reregistration process had begun, the authorities announced that in addition to registering, organizations would have to alter their charters to indicate recognition of the 1996 Constitution and to exclude the words “popular” or “national” from their titles. In 1999 an amendment to the Law on Public Associations codified this announcement by prohibiting political and social organizations from using the words “Belarus,” “Republic of Belarus,” “national,” or “popular” in their titles. Although most of the major political parties and unions that applied were allowed to reregister, the Assembly of Belarusian Prodemocratic NGOs reported that only 1,268, or 57 percent of the NGOs in existence when the reregistration law went into effect, were reregistered by the summer of 2000. A total of 202 NGOs were rejected by the Ministry of Justice for reregistration on various grounds, and 31 were still in the process of reregistering at year’s end.

In 2001 the Ministry of Justice outlawed the activities of Independent View, an independent domestic election monitoring organization, on the grounds that the organization failed to register with the authorities. They made this decision despite the fact that Independent View was a name for a joint initiative launched by several officially registered democratic NGOs.

c. Freedom of Religion.—The 1994 and 1996 Constitutions provide for freedom of religion; however, the authorities restricted this right in practice. Although both Constitutions affirm the equality of religions and denominations before the law, the 1996 Constitution stipulates that cooperation between the State and religious organizations “is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people.”

On October 22, the Parliament approved a new law on religion, despite protests from international and domestic human rights organizations as well as Orthodox religious groups not affiliated with the Russian Orthodox Church. The law contains a number of very restrictive elements. Observers fear that the regime will use these provisions to hinder and to prevent the activities of non-Russian Orthodox religious groups. According to the new law, which took effect in November, all religious organizations must undergo compulsory reregistration during the 2 years following its passage. In order to become registered, religious groups must meet specific requirements for the size of their membership and number of years during which they had been active in the country. This would prevent the registration of groups that have become active in the country only recently. Registered religious organizations must have 20 members and have been active for at least 20 years. Regime officials stated publicly that no organization that was registered when the law was enacted would lose its registration status even if it failed to meet the new criteria for registration, but the leaders of some minority religious groups were skeptical of this assurance. In addition to specifying minimum membership and years of activity in the country, the law restricts the ability of registered religious organizations to conduct religious education, requires all religious groups to receive governmental approval to distribute literature, and prevents foreigners from leading religious organizations. The authorities began to enforce the new religion law against nontraditional faiths. On December 27, police in Grodno detained and warned members of a local Hare Krishna organization who were distributing religious material without permission.

Before and during the June debate on the draft law on religion, several deputies in the lower house of the Parliament made statements that were xenophobic and anti-Semitic. Sergei Kastsyan reportedly charged that the adoption of the religion law was necessary to “put up a barrier against all these Western preachers who just creep into Belarus and discredit our Slavic values.” During the June 26 debate in the lower house, at least one deputy argued that Jews should not be considered citizens of Belarus. Another deputy suggested that a “reservation” be established for religious minorities.

There is no state religion; however, the authorities pursued a policy favoring the Russian Orthodox Church as the country’s chief religion and harassed other denominations and religions. During his May Easter address, Lukashenko said, “The State has always stayed and will stay beside the Church, which brings good to the people.” Following the address, the regime earmarked approximately \$570,000 (1 billion rubles) for the construction of an Orthodox Church in Mogilev.

Besides granting the Russian Orthodox Church special financial advantages that other denominations did not enjoy, Lukashenko has declared the preservation and development of Russian Orthodox Christianity a moral necessity. The authorities also encouraged a greater role for the Russian Orthodox Church, largely as part of an overall strategy to strengthen “Slavic unity” in the region and promote greater political unification between Belarus and Russia.

The Committee of Religious and Nationalities Affairs (CRNA) (formerly known as the State Committee on Religious and National Affairs) describes some religions and denominations, including Russian Orthodoxy, Roman Catholicism, Orthodox Juda-

ism, Sunni Islam and Lutheranism as traditional. Some, including some Protestant and other faiths, were viewed as nontraditional. Other faiths, including many Eastern religions, were viewed as sects. This categorization affected the overall attitude of the regime toward these religions, including the ease or difficulty they faced in registering.

The new law on religion passed in October added additional criteria for registration of religious groups, allowing only nationally registered congregations to invite foreign religious workers and open new churches. Without registration, it is also extremely difficult for a religious organization to rent or purchase property for religious services. As a result, police disrupted some peaceful services and religious meetings that were being conducted in private homes because they were held by unregistered religious groups.

The CRNA claimed during the year that 26 religious denominations were registered officially. However, the authorities continued to refuse legal registration at the national level to some faiths considered to be nontraditional, and to all groups considered sects.

According to the regime, the law permits residential property to be used for religious services only after it has been converted from residential use. In 2000 local authorities began enforcing this statute, effectively requiring all religious organizations to reregister their properties as religious properties. Although government figures indicate that 110 religious communities, including 34 Protestant denominations, had their property registered through this process, one Protestant group reported that over 50 percent of Protestant groups were denied registration by local authorities during the reregistration period.

Religious groups that cannot register often were forced to meet illegally or in the homes of individual members. A number of nontraditional Protestant faiths have not attempted to register because they believe that their applications would not be approved.

The regime issued a decree specifying measures to ensure public order and safety during public gatherings. Meeting hall officials have cited this decree as a basis for canceling or refusing to extend agreements with religious groups for the use of their facilities. Nontraditional groups were unable to rent space in meeting halls to conduct prayer services. The Catholic Church opened a new church in Minsk in June; however, it cited difficulties in receiving permission from local authorities to build additional churches in Minsk.

Many Protestant and nontraditional groups experienced problems obtaining property. In August, after a delay of more than 18 months, the CRNA denied permission to the Krishna Consciousness Communities for the construction of a community center. The CRNA denied a registration application by the True Orthodox parish in Minsk that filed its paperwork in June. The delay comes despite a requirement for the CRNA to respond to an application within 3 months of its submission. In 2001 the Government refused permission to the registered New Life Evangelical Church to build a church in Minsk. The Muslim Association in Belarus is registered, but has been unable to construct a mosque in Minsk since local authorities imposed a high tax on the land where the mosque will be built.

On August 1, in the town of Pogranichny, local authorities demolished the church of the Belarusian Autocephalous Orthodox Church (BAOC) that they claimed was built illegally, since the building permit specified a private house. The church was demolished despite the fact that the order to destroy the church was being appealed by the BAO. Local courts continue to refuse to hear appeals made by the BAO to overturn the Lukashenko regime's decision not to register their churches.

Citizens were not prohibited from proselytizing; however, while individuals may speak freely about their religious beliefs, the authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion. During the year, the regime heavily fined and detained members of unregistered religious groups that engaged in illegal religious activity. Throughout the year, members of the unregistered Hindu community Light of Kaylasa were harassed routinely by local authorities. On July 16, police arrested 18 members of this community as they were preparing to hold a meditation ceremony in Minsk park. Several of those arrested were jailed for 2 days and heavily fined. In a separate incident, 12 members of the Light of Kaylasa were arrested and sentenced to 10 days in jail for participating in an unsanctioned demonstration in downtown Minsk to protest against discrimination against religious minorities. In August unknown assailants attacked several members of the Light of Kaylasa group.

On November 8, the Keston News Agency reported that police detained two Catholic demonstrators who protested against the new Law on Religion outside the Parliament building in Minsk.

Foreigners were prohibited from heading churches, and could only preach at registered churches. They may be invited to the country only with the approval of the CRNA. Foreign missionaries may not engage in religious activities outside the institutions that invited them and must have spiritual activities visas valid for 1 year. Obtaining such visas was a difficult bureaucratic process, even for individuals whose religions are registered with the authorities and have a long history in the country. Foreign clergy or religious workers who did not register with the authorities or who have tried to preach without regime approval or invitation from a registered religious organization have been expelled from the country. Although there were no reports of such expulsions during the reporting period, several Polish Catholic priests were denied entry into the country, despite having valid visas.

The Roman Catholic Church continued to experience a shortage of qualified native clergy, and at times the Church has had difficulty receiving permission from the authorities to bring in a sufficient number of foreign religious workers, mostly from Poland, to make up for the shortage. The regime indicated that foreign priests no longer would be allowed to work in the country; however, 400 Polish pastors were still allowed to work in the country. Bishops must receive permission from the CRNA before transferring a foreign priest from one parish to another.

Authorities in Minsk issued no reports of progress in their continuing investigation into a December 2000 firebombing of a local synagogue.

Restitution of religious property remained limited. There was no legal basis for restitution of property seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes.

There were a number of acts of vandalism against religious groups during the year. In January an evangelical Christian group reported that vandals attacked a guard at one of their churches and tied him up. An eyewitness reported that the vandals painted pentagrams on church walls and that a dead cat was found in the church. A Baptist organization reported that unknown individuals smashed the windows of several Baptist churches. In April and July, vandals damaged Jewish cemeteries in several cities. In July a Muslim cemetery in Grodno was vandalized. On July 16, local authorities in Borisov detained a teenager on suspicion of vandalizing a local Jewish cemetery. A Full Gospel Christian church in Gomel reported that unknown vandals damaged its property in August and November. In November unknown vandals defaced a mosque in Slonim and vandalized property belonging to a Full Gospel Christian's Living Faith Church in Gomel. Holocaust memorials in several cities were vandalized during the year.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—According to both the 1994 and 1996 Constitutions, citizens are free to travel within the country and to live and work where they wish; however, the authorities restricted these rights in practice. Passports served as primary identity documents and were required for internal travel, permanent housing, and hotel registration.

In 1999 the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a propiska (pass) or a registered address. Under that article, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, the extent to which this court decision actually affected the practice by local security officials was unknown. In practice the right to choose one's residence remained restricted. In November 1999, the Ministry of Internal Affairs announced a three-stage program to replace the propiska system, but this has not been implemented and the propiska system was still in effect at year's end.

Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain exit visas valid for 1 to 5 years. Once the traveler has this document, travel abroad was not restricted further by law; however, the authorities occasionally limited foreign travel. For example, they delayed issuing "global" exit visas to some opposition activists in an effort to hinder their political activity abroad. In June the authorities refused to issue an exit visa to Andrei Klimov, a former deputy of the 13th Supreme Soviet who was jailed for 4½ years (see Section 1.e.). The regime also delayed issuing passports to opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

On October 10, the Minsk City Lawyers Collegium denied prominent human rights lawyer Vera Stremkovskaya permission to travel abroad to attend several international forums. At year's end the authorities had not issued passports to fam-

ily members of BAOC priest Yan Spasyuk despite the fact that the necessary documents were submitted in November 2001 (*see* Section 2.c.).

The regime also limited the travel abroad of members of youth groups that were not considered pro-regime. On March 5, 10 representatives of several opposition parties, NGOs, and media agencies were detained for several hours and subjected to personal searches at the Belarusian border while traveling in a vehicle belonging to OSCE. In July and August, authorities began arbitrarily enforcing a law that requires those traveling to border zones to obtain an entrance pass (*propusk*). Observers believed that the decision to enforce the law was intended to prevent reporting on the August 1 destruction of a BAOC church in the border town of Pogranichny (*see* Section 2.c.). On July 26, a local journalist was fined \$57 (100,000 rubles) for allegedly violating a frontier zone. On August 1, three journalists covering the story were detained on the same charge; one was sentenced to 15 days' imprisonment. The other two were initially fined but the fines were subsequently dropped.

The law restricts the emigration of individuals with access to sensitive state information, and any citizen involved in a criminal investigation also was ineligible to emigrate; however, the authorities did not generally deny any citizen permission to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The 1994 and 1996 Constitutions give aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. Under both Constitutions, the State may grant refugee status to persons who were persecuted in other states for their political and religious convictions or because of their nationality. There is no law on first asylum, nor has the regime signed readmission agreements with any of its neighboring states. The authorities cooperate with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. As of December there were 642 recognized refugees in Belarus, the majority of whom are from Afghanistan, Georgia, Tajikistan and Ethiopia. As of December, the regime had approved 57 of 113 applications for refugee status filed by applicants. In May the UNHCR opened a center in Vitebsk providing temporary accommodations for 30 persons. The UNHCR noted in a 2000 report that the Minsk city and Minsk regional migration services regularly refused to accept illegally arriving new refugee applicants and instructed such persons to apply with migration authorities in other regions. Regional migration services also continued to refuse applications for refugee status from asylum seekers who came through countries, primarily Russia, that they considered to be safe.

There were no reports of the forced return of persons to a country where they feared persecution; however, refugees often were persons from third world countries seeking to pass through Russia and then Belarus en route to other European countries. The Government often deported such individuals to Russia, despite the fact that the UNHCR does not consider Russia to be a safe country for such purposes.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The regime has effectively denied citizens the right to change their government. The President dominates all branches of government. Since his election in July 1994 to a 5-year term as the country's first President, he has consolidated power steadily in the executive branch. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office and ignored the Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner.

The 1996 Constitution limits the legislature to meeting twice a year for a total of no more than 170 days. Presidential decrees issued when the legislature is out of session have the force of law, except, in theory, in a few cases specified in the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees with powers equal to that of law in specific, urgent circumstances, a provision Lukashenko has interpreted broadly. On December 10, local election commissions were formed for the March 2003 municipal government elections. Local executive committees and city councils admitted 13,448 persons to the election commissions; 61 were representatives of political parties and 56 percent had prior election experience. The Central Election Commission (CEC) stated that prior experience in an election was an important factor in considering a nominee's application. Of the 61 political party representatives, 21 represented the pro-Lukashenko Communist Party of Belarus and 2 represented the pro-Lukashenko Agrarian Party. The opposition Belarusian Party of Communists received 19 seats, the Liberal Democratic Party received 11 seats, and the Belarusian Social Democratic Party, *Narodnaya*

Hramada, received 5 seats. The United Civic Party, Belarusian National Front and Social Democratic Party Hramada each received one seat.

During the year, the regime used several tactics to intimidate and restrict the ability of opposition leaders and groups from organizing and publicizing their views. Authorities added three articles to the Criminal Code that made libel of the President a criminal offense. These articles were used to punish not only opposition party members but independent media as well (*see* Section 1.d.). During the year, the regime used excessive force to disperse demonstrations by opposition parties (*see* Section 1.c.). On several occasions the regime directly interfered in the affairs of political parties and organizations. Following intense regime pressure on members of the Women's Party, on August 14 party members voted to replace former Women's Party leader Valentina Polevikova with pro-regime member Valentina Matusevich. Polevikova's removal from power caused a split in the party with Polevikova and Matusevich each leading a different faction of the Women's Party. Observers claimed that the purpose of the regime's pressure to oust Polevikova was to prevent the Women's Party from merging with two Social Democratic parties. Lukashenko called for the pro-Government Communist Party of Belarus to absorb the larger, anti-Lukashenko, Belarusian Party of Communists. On September 6, the pro-Government Belarusian Patriotic Youth Party and the Belarusian Youth Party merged into the Belarusian National Youth Party (BNYP). The merger was orchestrated by Lukashenko and government officials. The new party was given the objective of addressing major problems affecting youth and the regime promised to fund it for 3 years. Most political parties claim to have youth and women movements.

The September 2001 presidential election in which Lukashenko was reelected for a further term was described by the OSCE as fundamentally flawed. The OSCE/ODIHR observer mission, which was hampered by the regime's refusal to allow the mission to travel to the country until 3 weeks before the election, noted in its final report that conditions in the months before the election precluded the possibility of a free, fair, transparent and accountable election. The environment did not provide an equal opportunity for contestants or for the possibility that the public would be informed about the choices available. During the election campaign, coverage of politics, including the election, was very limited. The President and executive branch dominated political coverage in both the electronic and print media.

The regime restricted freedoms and undermined human rights in the period prior to, during, and after the election (*see* Sections 1 and 2). In the period prior to the election, the regime led a sweeping crackdown on antiregime materials, campaign materials, and internationally-supported, nonpartisan, "Get Out the Vote" materials, in addition to beatings, arbitrary detentions, and searches of opposition members and supporters (*see* Sections 1.c., 1.d., and 1.f.). The regime also made use of its near-monopoly of the mass media to undermine all opposition candidates, particularly Vladimir Goncharik, who was regarded as the most credible opposition candidate. The OSCE/ODIHR Limited Election Observation Mission documented 26 separate incidents of human rights violations involving freedom of the press and expression (*see* Section 2.a.). On September 5, just 4 days before the election, the major State-owned newspaper doubled its print run to print the election platform of the incumbent, in direct contradiction of CEC regulations. The regime-appointed CEC took no action. The head of the CEC stated publicly that it would be a personal tragedy for her if the incumbent lost.

The voting and vote counting processes further restricted the rights of citizens to change their government. The OSCE/ODIHR report found that the voting procedures, including mobile ballot boxes, early voting procedures, and handling of voting lists provided several possible avenues for vote manipulation. However, most of the irregularities were not immediately reported. The OSCE/ODIHR also observed that the Electoral Code did not allow a transparent audit by election observers, which raised questions about the overall integrity of the process. This was a particular concern in light of the total domination of voting commissions, which were charged with conducting the election, by regime supporters. In some cases, members of the precinct electoral commission themselves openly expressed disagreement with the final announced tally, suggesting that it did not reflect the count conducted; however, they were silenced rapidly. The physical speed with which some of the counts were conducted also was suspect, since those precincts with the largest geographic area and those with the highest turnout were always among the first to report results. For example, the OSCE noted that only 2 hours after the close of polling stations, Minsk Oblast, excluding the City of Minsk, had reportedly counted 70.7 percent of all ballots, whereas Minsk City had at that point counted only 6.56 percent.

A large difference between the results of pre-election polls and the official tally also suggested widespread manipulation of the totals.

The October 2000 parliamentary elections also failed to meet international standards for democratic elections. The regime severely restricted public participation on the electoral commissions and candidate registration procedures were abused systematically to prevent candidates opposed to the regime from getting on the ballot. Campaign activities were regulated excessively and heavily biased state-controlled media severely limited candidates' access to the media and the voters' choice of candidates. During the elections, provisions for early voting, mobile ballot boxes, vote counting, and the aggregation of results fell far short of minimum transparency requirements for independent verification.

Of the 107 deputies in the Lower House of Parliament, 12 were women, while 18 of the 63 members of the Upper House of Parliament were women. With the exception of the judiciary, social barriers to women were strong, and men held virtually all of the leadership positions. The Minister of Social Security was the only female member of the Council of Ministers. The head of the regime's Central Election Commission was also a woman.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights groups were active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also harassed NGOs by bureaucratic means.

On November 27, the Minsk city Justice Department issued a warning to the Human Rights Center for having changed the emblem displayed above the organization's entranceway without permission. The Center also was cited for changing its address to one not listed in its registration documents, for not numbering the minutes of its meetings, and for discussing issues that were allegedly inconsistent with the objectives set out in its charter. If the organization received another warning within a year, it would be subject to closure by the authorities. Some observers linked this treatment with local elections scheduled for March 2003.

In 2001 prior to the Presidential elections, the authorities attempted to limit the activities of NGOs by implementing a time-consuming reregistration process, rejecting their registration applications, conducting questionable tax audits, confiscating their equipment, and denying them access to foreign support (see Section 2.b.). There were widespread robberies of offices of several media outlets and NGOs that were investigating independently the disappearances of prominent individuals associated with the opposition. In all cases, computers were smashed, but not stolen; only hard drives or floppy disks were removed, and nothing else of value was taken. Most human rights observers believed that members of the security services perpetrated these robberies. While break-ins and questionable tax audits were particularly widely used in the 2001 pre-election period, they remained problems in 2002 as well.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the authorities have been willing to discuss human rights with international NGOs whose members have been allowed to visit the country; however, members of some NGOs have been refused permission to make such visits, and the authorities have increased their harassment of international NGOs working in the country. The authorities regularly harassed NGOs through taxes.

In April the regime demanded that the mandate of the OSCE Advisory and Monitoring Group (AMG), which it accused of supporting the opposition against the regime in the 2001 elections, be renegotiated. Acting Head of Mission Michel Rivollier was the first OSCE official to depart Belarus when his diplomatic status expired on April 15. The Government decision to deny AMG visa extensions to representatives in Belarus effectively forced the mission to close in October when Alina Josan, the last OSCE official administrator, departed the country. On December 30, the regime signed an agreement with the OSCE that would permit a new OSCE office to open on January 1, 2003.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Both the 1994 and 1996 Constitutions state that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests; however, they do not specifically prohibit discrimination based on factors such as race or sex. Racial and national groups, women, and persons with disabilities experienced discrimination.

Women.—Although statistics were not available, women's groups reported that domestic violence, including spousal abuse against women, was a significant problem.

Spousal abuse is punishable under the Criminal and Administrative Codes. Non-severe beating is punishable by a fine or up to 15 days imprisonment, while more serious offenses are punishable by up to 15 years in jail. Women's groups have indicated that police generally enforced the laws against domestic violence, and that the courts generally impose these sentences. The primary problem remained a widespread reluctance among women to report instances of domestic violence due to fear of reprisal and the social stigma. Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police will blame the victim.

Although the authorities and local human rights observers reported that prostitution was not yet a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in the outlying regions. According to government statistics, from January to September, 13 persons in Vitebsk Oblast were charged with operating brothels. Street prostitution appeared to be growing as the economy deteriorated, and prostitution rings operated in state-owned hotels. Trafficking in women was a serious and growing problem (*see* Section 6.f.).

Sexual harassment was reportedly widespread, but no specific laws other than those against physical assault deal with the problem.

The law requires equal wages for equal work; however, it was not enforced always in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. According to the Belarusian Helsinki Committee in March, women made up a large percentage of those being trained for future employment in education (75 percent of those being trained), textile and light industry (84 percent), the food industry (79 percent), economics (69 percent) and medicine (69 percent), while relatively few women are being trained in radio technology (6 percent), automation production (12 percent) or computer technology (19 percent). Women reported that managers frequently considered whether a woman has children when examining job candidates.

The level of women's education generally was higher than that of men. Women constituted approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. However, between two-thirds and three-fourths of workers with a higher education (mostly women) lived beneath the official poverty level. Women were equal in law to men with regard to property ownership and inheritance.

Women's groups were active and focused primarily on such problems as child welfare, environmental concerns (especially the after-effects of Chernobyl), and the preservation of the family. In June the Belarusian Women's Forum met in Polotsk to develop a strategy to improve the status of Belarusian women. Among their recommendations were the establishment of new educational programs, gender surveys, and information activities for strengthening the women's movement in Belarus. There was also an active women's political party (*see* Section 3).

Children.—The authorities were committed to children's welfare and health, particularly to overcoming the consequences of the nuclear accident at Chernobyl. With the help of foreign donors, they have tried to give children special attention. During the year, the Belarusian Children's Hospice operated two regional hospices in Vitebsk and Gomel. By law all inhabitants, including children, were entitled to health care. There was no reported difference between the treatment of girls and boys in the provision of either health care or education. Children begin school at the age of 6 and are required to complete 9 years, although the authorities make 11 years of education available at no cost and began to develop a 12-year education program. Higher education also was available at no cost on a competitive basis. Families with children continued to receive token government benefits, such as discounted transportation. According to a 1999 World Bank study, the majority of those living in poverty in Belarus were families with multiple children or single mothers.

There did not appear to be a societal pattern of abuse of children.

Trafficking in girls was a problem (*see* Section 6.f.).

Persons with Disabilities.—Discrimination against persons with disabilities in the provision of employment, education, and other state services was a problem, as was social discrimination. The law mandates accessibility to transport, residences, businesses, and offices for persons with disabilities. However, facilities, including transport and office buildings, often were not accessible to persons with disabilities. The country's continued difficult financial condition made it especially difficult for local governments to budget sufficient funds to implement the 1992 law. At the same time, government statistics indicated that more than 72,000 persons with disabilities underwent rehabilitation at rehabilitation centers. The regime promised to construct at least one or two wheelchair accessible facilities in regional and district centers by the end of the year; however, according to the Republican Association of the

Disabled, the regime had not undertaken any significant measures to do so by year's end. Some private buildings were made accessible to the disabled.

According to the Belarusian Disabled Society, the regime has taken steps that have raised concerns among citizens with disabilities. The regime's decision to support only government-run rehabilitation facilities, which were costly for the national budget and less suitable for patients than rehabilitation facilities that were run by NGOs, had a negative effect on the quality of care. The regime also decreased tax privileges for employers specializing in disabled labor and abolished some general employment guarantees for individuals with disabilities.

On May 7, the National Association of Wheelchair Users protested government inaction in addressing the concerns of persons with disabilities. According to Sergei Drozdovsky, leader of the National Association of Wheelchair Users, the regime failed to implement their program to make public places in Minsk wheelchair accessible, despite promises that it would do so.

The central authorities continued to provide some minimal subsidies to persons with disabilities and foreign and domestic charities operated in Belarus to care for disabled children. In May the charity Alesya was registered with the Ministry of Justice. The organization's aim was to provide medical aid and educational support to orphaned children and children with disabilities.

Evidence indicates that funding for persons with disabilities was not a priority for the regime. According to a 2001 article in *Narodnaya Volya*, an independent newspaper, the budget provision for that year for persons with disabilities was \$65 (114,958 rubles), compared to \$800 (1.4 million rubles) for the Belarusian Patriotic Youth Union, a proregime patriotic organization.

National/Racial/Ethnic Minorities.—The law grants citizenship to any person living permanently on the territory of the country as of 1991. Those who arrived after that date and wished to become citizens were required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and to have lived in the country for 7 years.

Despite a July 24 statement by President Lukashenko that there were no grounds for anti-Semitism in the country, regime officials continued to take a number of actions indicating a lack of sensitivity toward the Jewish community. In January authorities in Brest arrested and later released a 17-year-old for desecrating a Holocaust memorial. Construction of an apartment complex continued on the site of a demolished synagogue in downtown Minsk, despite protests from the Jewish community, with construction set to begin on the site of another former synagogue. Several government officials publicly made anti-Semitic statements in the media. According to a June 24 report in *Belapan*, Sergei Kastysyan, who heads the International Affairs Committee of the lower house of Parliament, blamed Russian President Vladimir Putin's decision to slow down a proposed integration plan between Belarus and Russia on Putin's "execution of an order from the Jewish lobby." During a November 25 interview with the newspaper *Belorusskaya Gazeta*, Kastysyan said he opposed attempts to "turn Belarus into a springboard for Zionism." He added, "If a mosque or a synagogue stands in the way of the city development plan, I believe it is acceptable to bulldoze it." His remarks were in response to a November 15 appeal by 75 of 109 members of the lower house of Parliament calling on President Lukashenko to prevent the destruction of Jewish cultural landmarks in Minsk.

During the year, skinheads and Russian ultranationalists attacked foreigners as well as those involved in promoting Belarusian culture. Members of the Russian ultranationalist group Russian National Union (RNE) attempted to break into an office of the Belarusian cultural organization *Belaruskaya Khata*. The organization reported that its phone lines were cut, and its office door was damaged and defaced with swastikas. On December 16, 10 members of the RNE attacked a female member of the unregistered youth group *Zubr* on a train while she was distributing literature.

In two separate incidents in May and August, skinheads attacked several foreign Jews in downtown Minsk. In one incident, police arrived at the scene but did not arrest the assailants. In September, unknown assailants attacked a rabbi and his son near the Russian Embassy in Minsk. Local guards at the Embassy assisted the rabbi and notified the police who opened an investigation into the incident which was pending at year's end.

On December 12, four Vitebsk youths were sentenced to 3 ½ to 6 years' imprisonment for attacking students from India, Lebanon, and Nepal in 2001. Local human rights observers disputed the charges and criticized the heavy sentences against the four youths, claiming that the four were involved in a simple fistfight that was not racially motivated. On December 18, approximately 100 skinheads attended a rock concert in Orsha held by the Russian band *Kolovrat*, whose members have ties to the RNE. The local chapter of the pro-regime Belarusian National Youth Movement

organized the concert. Local Members of the Russian ultranationalist National Bolshevik Party participated in several demonstrations in Minsk.

The Jewish community's December 2001 appeal of a judge's decision to allow a state-owned company called The Orthodox Initiative to publish an anti-Semitic book was denied. An earlier judge had denied the appeal in March 2000, claiming that the book contained scientific information and was therefore not within the jurisdiction of the court.

Anti-Semitic material, mostly imported from Russia, could be found throughout Minsk. The Pravoslavnaia Kniga (Orthodox Bookstore), owned by the Orthodox Initiative, continues to sell anti-Semitic and Russian ultranationalist literature. Although the Russian Orthodox Church claims that it has no ties to the bookstore, it has not criticized the store for selling such material. Anti-Semitic literature is also sold at kiosks that sell Russian Orthodox literature, including at one located in the National Academy of Sciences.

Legally the Russian and Belarusian languages share equal status; however, the regime at times harassed those that used the Belarusian language or promoted Belarusian nationalism. As part of the regime's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion or teaching of the Belarusian language to students by limiting the availability of early childhood education in Belarusian. In its June 2000 report, the Belarusian Helsinki Committee reported that only 30 percent of students in primary schools were instructed in Belarusian. In Minsk only 11 of the 242 middle schools taught in the Belarusian language. In other regional cities, the numbers were significantly lower. The authorities continued to claim that the only schools that have been closed that taught in the Belarusian language were those that experienced diminishing enrollment; however, observers doubted this claim.

Section 6. Worker Rights

a. The Right of Association.—The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights were not respected in practice. Measures to suppress independent unions included arresting members of independent trade unions for distributing union literature, confiscating union material, denying union members access to work sites, excessive fines, and pressure by their managers and state security services on union members to resign from their jobs because of trade union activities.

The authorities have taken numerous measures to suppress independent trade unions and during the year engaged in unprecedented interference in the work of the Belarusian Federation of Trade Unions (BFTU). In June they orchestrated a government takeover of the BFTU and several national unions leading to an official complaint to the International Labor Organization (ILO). Late in 2001, the regime attempted to restrict the unions by refusing to turn over to the unions dues paid by members. Once it became clear that the unions and the BFTU were adjusting to this change, the regime in June embarked on a takeover of the BFTU and several of its branch unions. The BFTU subsequently became an arm of the Government and the June election of Leonid Kozik to the position of Chairman of the BFTU has been challenged by the ILO.

In 1999 Lukashenko signed a decree that requires trade unions to enroll a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The decree also obliges existing registered unions to re-register and to meet the new requirements. Free trade union leaders reported that this decree has had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree.

The authorities continued to discourage employees at state-run enterprises from joining independent trade unions. The BFTU, formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consists of approximately 4.5 million workers (including retirees) and was by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some BFTU leaders became increasingly vocal in their criticism of the policies of the Lukashenko regime. In retaliation the regime has threatened and harassed some BFTU officials.

Following the December 2001 government-inspired removal of Vladimir Goncharik as chairman of the BFTU, the regime attempted to destroy the trade union federation and branch union structure. For the first several months of the year, the regime continued to withhold collected union dues and then abolished the checkoff system for dues withholding. The authorities prohibited employers from withholding

union dues. In addition, the regime instigated several attempts to form management-inspired "yellow unions" at major enterprises. Despite these pressures, the BFTU and the branch unions continued to exist and began the transformation from nonrepresentative state dominated unions into truly representative trade unions. In response to this, the regime orchestrated the removal of Franz Vitko as chairman of the BFTU and in June replaced him with Leonik Kozik, the candidate and senior official within the Presidential administration Lukashenko handpicked. Subsequently, the collected union dues were returned. Since June Kozik has purged the BFTU of union activists and replaced them with KGB agents. He has fired the editor of the Rabochoy newspaper. He orchestrated the removal of Alexander Yaroshuk, the chairman of the Agricultural Branch union (the largest state union in the country, with approximately 1 million members), and has attempted to remove two other reform minded branch union heads. These actions, along with Kozik's radical shift away from union activism to progovernment agitation and integration of the BFTU into the Government structure, led the ILO at its November congress to challenge the BFTU's representation in ILO and Kozik's election as chairman.

Members of the Independent Trade Union of Belarus faced continual pressure at their workplace to join state unions or lose their jobs. Typically members of the Union smuggled copies of Rabochoy, a newspaper about labor issues, into their workplace under their clothing.

In 2000 noting that the authorities failed to respect the rights of workers, suppressed trade union rights, harassed union leaders, and had not taken sufficient steps to conform to internationally recognized labor rights, a foreign government suspended the country's trade benefits.

By law unions are free to affiliate with international bodies. At year's end, the BFTU was attempting to join the International Confederation of Free Trade Unions (ICFTU); the independent unions already were affiliated with ICFTU.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, the authorities and state-owned enterprises have hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements (see Section 6.a.). Provisions of a 1999 presidential decree intended to place all workers on individual rather than collective contracts were criticized heavily by both independent and official union leaders, who believe that they were designed principally to enable the Presidential Administration to increase its control over the labor sector. These provisions had not been implemented by year's end.

The Constitution provides for the right to strike; however, tight control by the regime over public demonstrations made it difficult for unions to strike or to hold public rallies furthering their objectives (see Sections 1.d. and 2.b.).

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports of forced labor. Workers who refused to "volunteer" for the harvesting of livestock fodder were ordered to pay a fine of \$5 (5,000 rubles) or approximately 15 percent of their average monthly salary. The order had the effect of forcing local individuals to work in the fodder harvest. Students also were forced to participate in potato harvesting activities.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively.

e. Acceptable Conditions of Work.—The minimum wage was \$9 (17,000 rubles) a month, which did not provide a decent standard of living for a worker and a family; however, average real wages improved during the year from approximately \$60 (72,000) to \$110 (200,000) a month. During the Presidential campaign in 2001, President Lukashenko decreed that average wages would be increased from approximately \$65 (78,000) to \$100 (120,000 rubles) a month. Authorities reported that average wages were slightly more than \$106 (127,200 rubles) a month in 2001, although independent analysts reported the figure was lower. According to the International Monetary Fund (IMF), the wage increase was accomplished by accumulating arrears to suppliers and by other unsustainable means.

The country's continuing economic problems made it difficult for the average worker to earn a decent living, and major wage arrears continued to grow, especially

in the agricultural sector. The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. In reality, because of the country's difficult economic situation, an increasing number of workers found themselves working considerably less than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often were ignored. Workers at many heavy machinery plants did not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate existed but did not have the authority to enforce compliance, and violations often were ignored. According to the Labor and Social Security Ministry, through the end of November, 211 workers died and 603 were injured seriously in workplace accidents. The high accident rate was due to a lack of protective clothing, shoes, equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

A 2002 Presidential decree lowered the level of disability allowances paid by the State or state enterprises for result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believe workplace injuries should be reviewed under the Labor Code, under which compensation is more generous.

The Labor Code accords foreign workers the same protections as citizens.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a serious and growing problem. There were no reports of official involvement in trafficking; however, observers believed that given the extensive corruption that exists within the police and other agencies of the regime, such involvement was likely.

Provisions of the Criminal Code that entered into effect at the beginning of 2001 penalize trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes the hiring of individuals in order to exploit them sexually or otherwise. The penalty for trafficking is between 5 and 7 years' imprisonment. The Ministry of Internal Affairs acknowledges that Russian criminal organizations may try to lure and recruit women into serving as prostitutes in Western Europe and the Middle East. Traffickers, who are associated with organized crime and drug trafficking, entice their victims through advertisements for lucrative jobs in newspapers and on the Internet.

According to government statistics, Belarusian law enforcement agencies broke up 10 trafficking rings run by international organized criminal groups during the year, including 2 in March. In December a district judge in Gomel found two residents of the city guilty of trafficking women to Turkey and Israel and forcing them into prostitution. The perpetrators were sentenced to 3- and 4- year terms in a medium-security institution.

Also during the year, a citizen was sentenced to 8 years' imprisonment for abduction in a trafficking related case. Authorities in Minsk charged a Romanian citizen with trafficking women to Cyprus. He received a 1½-year sentence under article 187 (recruitment of persons for the purpose of sexual exploitation). A couple in Minsk were sentenced to 3 years and 6 months under the same law and also were found guilty of violating article 18 (organized crime). In Polotsk two individuals were arrested for trafficking Belarusian women, including underage girls, to Russia. According to government statistics, 15 members of organized criminal gangs were sentenced to 6 to 8 years imprisonment for trafficking. A criminal case against a trafficker was opened in the region of Grodno, in which a man was charged with trafficking at least 35 women from Belarus to Poland over a period of 2 years. There were convictions in 12 of the 15 cases. When the case was tried first in 2000, the accused received a 4-year sentence for pandering but the Grodno Regional Court dismissed the verdict and ordered a new investigation in order for the defendant to be charged under the new Criminal Code. However, the prosecution again charged the man with drug dealing and pandering.

The country was both a country of origin and a country of transit for women and girls being trafficked to Central and Western Europe for purposes of prostitution and sexual exploitation. According to an official with Germany's Federal Interior Ministry, in 2001 approximately 1,000 Belarusian women were trafficked to Germany and forced to work as prostitutes. The official estimates that the number during the year was significantly higher. The authorities have not released any statistics, but according to country NGOs, several thousand Belarusian women were victims of trafficking. Belarus was a country of origin and transit for women being traf-

ficked to Russia, Ukraine, Lithuania, Germany, Israel, Poland, Czech Republic, Turkey, Cyprus, Greece, Hungary and the Federated Republic of Yugoslavia.

The authorities have begun to recognize and address the problem of trafficking in persons. In 2001 the Ministry of Interior prepared a 5-year, 33-point strategy to combat trafficking in persons. The strategy covered ways of improving legislation, international cooperation, combating trafficking, and rehabilitation of victims. The strategy included various governmental agencies, such as the Ministries of Foreign Affairs, Labor, Education and the KGB. The Ministry of the Interior and the Ministry of Social Welfare were involved in anti-trafficking efforts. In partnership with the U.N. Development Program (UNDP), the Ministry of Social Welfare established the Gender Information and Policy Center (GIPC), which also dealt with this problem.

Women seldom reported incidences of trafficking to police because of a generally negative public opinion about law enforcement authorities, shortcomings in legislation on the subject, and the insufficient protection accorded victims and witnesses. Victims generally were detained until the investigation identified them as victims and they were eligible to be prosecuted for violations of other laws. In January the Belarusian Young Women's Christian Center (BYWCO) became the program coordinator for La Strada Belarus, an antitrafficking campaign. The 3-year program was intended to focus on training for NGOs and government officials, improving government cooperation and public awareness. The International Organization for Migration (IOM) in Belarus also launched a 1-year program to improve trafficking prevention and assistance infrastructure. IOM has set aside resources to provide 100 trafficking victims with reintegration assistance in cooperation with the Government and NGOs. Crisis centers established by some NGOs provided psychological assistance to victims of violence. However, such centers did not include specialists in dealing with victims of trafficking.

Under the La Strada program, BYWCO provided trafficking prevention training to regional NGOs and municipalities. The BYCWO established an information telephone line for women traveling abroad for reasons other than tourism. BYCWO receives more than 100 inquiries a month. In November BYWCO increased the hotline's operating hours from 2 to 7 days a week.

BELGIUM

Belgium is a parliamentary democracy with a constitutional monarch who played a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Belgium is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German). The judiciary is independent.

The civilian authorities maintained effective control of all security forces. In a sweeping reorganization in 2001, the former Police Judiciare and the Gendarmerie merged at the federal level to form a federal police force responsible for internal security and nationwide law and order. Local Gendarmeries merged with local police forces and operated as local branches of the federal police in all 196 police districts.

The country, which had a population of approximately 10 million, was highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports were machinery and equipment. Gross domestic product in 2001 was estimated at \$230.3 billion. The economy, which grew at an approximate 2 percent annual rate during the year, provided a high standard of living for most citizens; there was little economic disparity.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Societal violence against women and religious minorities and trafficking in women and children remained problems, and the Government took steps to combat them. Belgium was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In March the Brussels Chamber of Indictment ruled that five ex-gendarmes (reorganized in 2001 as the federal police) must stand trial for their alleged roles in the

1998 death of Semira Adamu, a Togolese refugee, who died during her forced repatriation. Defendants in the 1991 killing of Andre Cools awaited trial at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and in general government officials did not employ them.

The operations of all police forces were integrated into a federal system and overseen by the Federal Police Council and an anticorruption unit.

A delegation from the Council of Europe's Committee for the Prevention of Torture carried out one of its periodic visits to the country in late 2001. The delegation indicated that it had examined the procedures and means applied during the repatriation by air of foreign nationals, the implementation of the 1990 law on the protection of the mentally ill, and the situation in public establishments for youth protection and reviewed recommendations made after its 1993 and 1997 visits. In October the Government released the delegation's report. It addressed a limited number of allegations of ill-treatment by law enforcement officials, but did not indicate that there were any systemic abuses. The report made recommendations concerning the use of force and means of restraint during involuntary movement of prisoners, while noting that the Government already had taken numerous measures to reduce risks to prisoners. The report's principal concerns were violence between prisoners at Andenne Prison, chronic overcrowding at Antwerp Prison, and the operation of psychiatric care system in prisons.

Prison conditions varied: Newer prisons generally met international standards, while some older facilities nearly met international standards despite their Spartan physical conditions and limited resources. Overcrowding was a problem. In December the prison system, which was designed to hold 7,759 prisoners, held 8,673 prisoners according to government figures. However, construction projects that started during the year were expected to expand the prison system capacity by 870 persons. Men and women were held separately. In June the Government established a maximum-security facility for juvenile prisoners and no longer permitted them to be held in adult prisons. Juvenile prisoners routinely were released from detention whenever the maximum-security facility reached its limit. The Government did not hold convicted criminals and pretrial detainees in separate facilities. Families were allowed to visit prisoners without supervision. Approximately 300 prisoners nearing the end of their sentences lived at home under electronic surveillance at year's end. The Government permitted visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement was subject to monthly review by a panel of judges, which could extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). At times lengthy pretrial detention was a problem. Bail exists in principle under the law but was granted rarely. In September 37.3 percent of the prison population consisted of pretrial detainees. Pretrial detainees received more privileges than did convicted criminals, such as the right to more frequent family visits. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the State.

Fehriye Erdal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey, remained under house arrest pending trial at year's end.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system was organized according to specialization and territorial jurisdiction, with 5 territorial levels: Canton (225), district (27), provinces and Brussels (11), courts of appeal (5), and the Cour de Cassation, which was the highest appeals court.

Military tribunals tried military personnel for common law as well as military crimes. All military tribunals consisted of four military officers and a civilian judge. At the appellate level, the civilian judge presided; a military officer presided at trial. The accused had the right of appeal to a higher military court.

Each judicial district had a Labor Court, which dealt with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits (see Section 6.b.). There was also a magistrate in each district to monitor cases involving religious groups (see Section 2.c.).

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Charges were stated clearly and formally, and there was a presumption of innocence. All defendants had the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

The federal prosecutor's office was responsible for prosecuting crimes involving nuclear materials, human trafficking, arms trafficking, human rights violations, and terrorism, as well as crimes against the security of the State.

The Summary Trial Act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of allegedly committing a crime. The warrant expires after 7 days, and the court must render its verdict within 5 days of the initial hearing. Defense attorneys challenged the summary trial procedures in May before the Cour de Cassation. The court upheld a civil conviction but did not address the summary trial question. Several human rights organizations claimed that summary trial violated the presumption of innocence and jeopardized the right to a full and fair defense.

A High Council on Justice supervised the appointment and promotion of magistrates. The Council served as a permanent monitoring board for the entire judicial system and was empowered to hear complaints against individual magistrates.

Several government reforms implemented in 1998 granted stronger rights to victims of crime. These measures allowed victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not result in a decision to bring charges. The Government opened Justice Houses in each of the 27 judicial districts. These facilities combined a variety of legal services under one roof, including legal aid, mediation, and victim's assistance.

So-called universal competence legislation enacted in 1993 and revised in 1999 provided courts with jurisdiction over war crimes, genocide, and crimes against humanity, regardless of the location of the alleged crime or perpetrator; however, the Appeals Court ruled in June that the defendant must physically be present in the country before the case could proceed. In 2001 in the first trial based on this law, six Rwandans resident in Belgium were charged with war crimes in connection with the 1994 genocide in Rwanda. Four were convicted in 2001; however, in subsequent cases the scope of the law was limited by court rulings. In February the International Court of Justice (ICJ) in The Hague ordered the cancellation of a Belgian arrest order for former Democratic Republic of the Congo Foreign Minister Abdoulaye Yerodia Ndombas. Citing the immunity of sitting ministers of foreign nations from criminal prosecution in Belgian courts, the ICJ struck down the verdict because Yerodia was in office when he was indicted. In June the Brussels Chamber of Indictment Court dismissed the criminal complaints against Israeli Prime Minister Ariel Sharon, Ivorian President Laurent Gbagbo, former Ivorian President Robert Guei, and two other former Ivorian Ministers. The court made no reference to the ICJ ruling, but rather noted Article 12 of Belgium's Criminal Procedure Code, which states that for crimes committed outside of Belgium, legal action can only be taken if the suspect is found on Belgian territory.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. There were restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

Several television and radio stations were subsidized wholly by the linguistic communities, government organizations below the federal level that represented the three official linguistic groups, rather than a geographic area; however, the Government had no official editorial control over content. The potential for political influence existed, as each station's operations were overseen by a board of directors that consisted of representatives of all the main political parties as well as representatives of the linguistic communities. All newspapers were privately owned, and the Government discontinued the direct subsidies formerly paid to them. Almost all homes have access to cable television from other West European countries and elsewhere. Satellite services also were available.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Citizens were free to form organizations and establish ties to international bodies; however, the Antiracism Law prohibits membership in organizations that practice discrimination “overtly and repeatedly” (see Section 5).

In June military personnel protested wage and other grievances.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law accords “recognized” status to Roman Catholicism, Protestantism (including evangelicals), Judaism, Anglicanism, Islam, and Orthodox Christianity (Greek and Russian), and these religions received subsidies from government revenues. Nonconfessional philosophical organizations (laics) served as a seventh recognized “religious” group, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, received funds and benefits similar to those of the six recognized religions.

By law each recognized religion has the right to provide teachers at government expense for religious instruction in schools. For recognized religions, the Government paid the salaries, lodging, and retirement expenses of ministers and also subsidized the construction and renovation of church buildings.

The lack of independent recognized status generally did not prevent religious groups from freely practicing their religions, and citizens generally practiced their religion without official harassment or impediment. There was no provision in immigration law for noncitizen members of unrecognized religious groups to travel to the country for the purpose of paid or volunteer religious work, nor was there a provision for them to obtain work permits for that purpose. Nevertheless, the Government established temporary procedures in May by which at least one nonrecognized religious group, the Church of Jesus Christ of Latter-Day Saints, could bring in members from abroad temporarily to conduct missionary activities. The Government has not taken steps to make these temporary procedures permanent or indicated any intention of amending the law to allow other nonrecognized groups comparable access. Nonrecognized groups did not qualify for government subsidies; however, they could qualify for tax-exempt status as nonprofit organizations. There were no reported legal complaints of religious discrimination during the year.

In 1998 Parliament adopted recommendations from a 1997 commission’s report on government policy toward sects, particularly sects deemed “harmful” under the law. The report divided sects into two broadly defined categories: It characterized a “sect” as any religious-based organization, and a “harmful sect” as a group that may pose a threat to society or individuals. Attached to the report was a list of 189 sectarian organizations that were mentioned during testimony before the commission. Although the introduction to the list clearly stated that there was no intent to characterize any of the groups as “dangerous,” the list quickly became known in the press and to the public as the “dangerous sects” list. This list was not part of the report approved by Parliament.

Although the Government stated that it neither recognizes nor utilizes the list associated with its 1997 parliamentary inquiry, some groups continued to complain that their inclusion continued to cause discriminatory action against them. They maintained that the effect of the list was perpetuated by the existence of the Center for Information and Advice on Harmful Sects, a government-sponsored organization charged with monitoring religious groups and providing information about them to the public and the authorities. Although the Center has maintained that the 1997 list has no bearing on its work, the groups on which it focused were among those listed by the parliamentary inquiry. While the Center had no legal authority to declare any religious group harmful, some groups stated that the initial creation of the list, followed by the establishment of an organization that has monitored some groups from the list, caused negative assumptions and guilt by association.

The Government’s legal case against the Church of Scientology remained unresolved. A complaint by a church member led to a 1999 raid and seizure of church documents. No charges were filed, and the Church tried unsuccessfully to have the seized documents returned. In February the Chamber of Indictment ruled that the Church of Scientology had kept files on its members in violation of the Privacy Act and therefore the Government was under no obligation to return them. The Church subsequently was notified officially that a tax investigation of its nonprofit status that began nearly 5 years earlier also remained open and active.

In the spring, there were several ant-Semitic incidents directed at Jewish communities including a number of incidents of arson and assault. Jewish authorities de-

scribed the atmosphere as hostile and frightening, and the Government deemed a police presence around some synagogues during worship services necessary at year's end. Local police addressed the problem on a case-by-case basis with the various synagogues.

In addition, other religious groups complained of societal discrimination, particularly groups that have not been accorded official recognized status by the Government or those associated primarily with immigrant communities.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law includes provisions for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provided first asylum. During the year, it received more than 18,805 asylum applications, 25 percent fewer than in 2001, and nearly 60 percent fewer than in 2000. Authorities believed that the decline in the rate of applications was primarily due to its discontinuing monthly disbursements of several hundred euros that previously were given to asylum applicants during the lengthy period before each case was closed. Except for an extremely modest incidental allowance, applicants were required to go to open reception centers to receive room, board, and basic services. Approximately 70 percent of all asylum cases were resolved within 8 weeks. The Government reported that its 39 reception centers for applicants were approximately 80 percent full.

In response to complaints about slow processing time and the large backlog of asylum applications, the Government in 2001 adopted a "last in, first out" policy in processing new applications that was intended to reduce processing time for applicants. Although a backlog of more than 30,000 cases remained at year's end, that was a reduction of 10,000 since the end of 2001. The Government's concerted effort reduced the backlog and greatly reduced the average asylum processing time.

The nationality code allows refugees to apply for naturalization after living legally in the country for 2 years.

The Government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to repatriate voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to deportation.

Undocumented asylum seekers arriving by air, whose claims do not appear legitimate as determined by immigration officials, were not allowed to enter but were held in a closed detention center at the airport while awaiting deportation or voluntary repatriation. The children of such asylum seekers did not attend school. Those applicants whose claims appear to be legitimate were released to a system of 39 reception centers for shelter and assistance. These centers had a total capacity of 7,000 beds.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections was compulsory, and failure to vote was subject to a nominal fine. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operated freely.

The Government was responsible for security, justice, social security, and fiscal and monetary policy. The regional governments were charged with matters that directly affect the geographical regions and the material wellbeing of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

The existence of communities speaking Dutch, French, and German created significant complexities for the State. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

The law prohibits federal funding for political parties that espouse discrimination. In 2001 the Brussels prosecutor charged three nonprofit organizations linked to the

Vlaams Blok party with violations of the law. The district court held that it was not competent to hear the case. The prosecutor and the Center for Equal Opportunities and Opposition to Racism, an autonomous governmental entity, appealed the decision, and a ruling is expected in 2003.

In Parliament there were 36 women in the 150-seat Chamber of Representatives, and 21 of 71 Senators were female. Of 17 ministers, 3 were female. In May Parliament adopted legislation that requires an equal number of male and female candidates on party tickets for all future regional and federal elections. Data was not available on the number of members of minorities represented in Parliament or who have leading positions in the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on these factors, and the Government enforced these laws. In February Parliament adopted a constitutional amendment that more clearly states the equality of men and women. In December legislation broadening the scope of existing anti-racism legislation and stiffening penalties for violations was enacted. With Dutch, French, and German as official languages, the country had a complex linguistic regime, including language requirements for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights (*see* Section 3).

Women.—Societal violence against women was a problem. The law defines and criminalizes domestic violence with the aim of protecting married and unmarried partners. The law allows social organizations to represent victims of domestic violence in court with the victim's consent. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. By year's end, the Government still had not implemented other provisions of the law that required it to establish and maintain a database of accurate statistics on domestic violence. Spousal rape was illegal, but no data was available on the number of persons charged or convicted of spousal rape during the years.

A number of government-supported shelters and telephone help lines were available across the country. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets were provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. A 1995 law defined and criminalized trafficking in persons; however, trafficking in women remained a problem (*see* Section 6.f.).

Sexual harassment is illegal. The Government implemented procedures to monitor sexual harassment claims. Antisexual harassment provisions were strengthened with Parliament's adoption of the Sexual Harassment Act in June. Victims of sexual harassment had the right to sue their harassers under existing law, and according to the law, sexual harassment can be a form of sexual discrimination. The Act prohibited discrimination in hiring, working conditions, promotion, wages, and contract termination. Despite these laws, most cases of sexual harassment were resolved informally. A study by the Ministry of Defense in 2000 found that 54 percent of women in the armed forces had been subjected to abusive language, 36 percent had experienced unwelcome physical contact, and 4.6 percent reported being the victim of sexual harassment involving physical violence.

The equal treatment of men and women is provided for in the Constitution, law, and treaties incorporated into law. The Government actively promoted a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focused on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. The net average salary for a woman was 84 percent of the national net average salary. In 1996, the last year for which comparative statistics were available, women in blue-collar jobs earned 79 percent of the salary of their male counterparts. The average salary for women in white-collar jobs was 70 percent of the salary of their male counterparts.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. It provided free compulsory education from ages 6 to 18. The Francophone and Flemish communities had agencies specifically dealing with children's needs.

In 2000 Parliament amended the Constitution to include an article on children's rights. The new article provides that every child has the right to respect for his or her moral, physical, mental, and sexual integrity. There were comprehensive child protection laws. The law combats child pornography by applying severe penalties for such crimes and against those in possession of pedophilic materials. The law permits the prosecution of Belgian residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison. A Senate report in July indicated that not all courts apply the laws equally; the differences were attributed to inconsistent prosecutorial efforts. In 2001 a new youth protection act entered into force to provide better protection against sexual exploitation, abduction, and trafficking.

There was no societal pattern of abuse directed against children.

Child prostitution was a problem but was not widespread. Trafficking in children was a problem (*see* Section 6.f.).

Government and private groups provided shelters for runaways and counseling for children who were abused physically or sexually. Child Focus, the Government-sponsored center for missing and exploited children, reported that it handled 2,065 cases in 2000. Nearly 48 percent of the reported cases concerned runaways, and 27 percent involved abduction by parents. Approximately 8 percent were pedophilia cases. Child Focus also reported that in 2001 the number of reported cases of missing children rose by 14.5 percent over the previous year. The vast majority of these cases continued to be teenage girls.

Persons with Disabilities.—The law provides for the protection of persons with disabilities from discrimination in employment, education, and in the provision of other state services. There were no reports of societal discrimination against persons with disabilities. The Government mandated that public buildings erected since 1970 be accessible to such persons and offered subsidies to encourage the owners of other buildings to make necessary modifications; however, many older buildings were not accessible.

The Government provided financial assistance for persons with disabilities. It gave special aid to parents of children with disabilities and to parents with disabilities. Regional and community programs provided other assistance, such as job training. Persons with disabilities were eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

National/Racial/Ethnic Minorities.—Belgium is a pluralistic society in which individual differences generally were respected, and linguistic rights in particular generally were protected. Approximately 60 percent of citizens were native Dutch speakers, 40 percent French speakers, and less than 1 percent German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss workers.

In 2001 the Government-sponsored Center for Equal Opportunity and the Fight Against Racism, which was tasked with investigating complaints of discrimination based on race, handled 1,246 complaints, 5 percent of which led to court action. In its 2001 report, the Center attributed the increased number of complaints in 2001 (after 3 consecutive years of decline) to the events of September 11 overseas. However, the two principal categories of complaints—discrimination in the workplace and in the provision of public services—remained unchanged over the past 5 years.

Section 6. Worker Rights

a. The Right of Association.—Under the Constitution, workers have the right to associate freely, including the freedom to organize and to join unions of their own choosing. The Government did not limit such activities, and workers fully and freely exercised their right of association. Approximately 60 percent of employed and unemployed workers were members of labor unions. Unions were independent of the Government but have important links with major political parties. The Government did not require unions to register.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activi-

ties or to pay an indemnity; however, payment of the indemnity reportedly was much more common than reinstatement. Effective mechanisms such as labor courts in each district existed for the adjudication of disputes between labor and management (*see* Section 1.e.).

Unions were free to form or join federations or confederations and were free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively was recognized, protected, and exercised freely. Every other year, the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. During the year, employers and unions reached a nationwide collective bargaining agreement that set the benchmark for wage increases at 5.4 percent. It included an agreement on providing early pensions to workers who lose their jobs before reaching the retirement age of 58.

Organized workers, including civil servants, had the right to strike; however, members of the merchant marine, the military, and magistrates did not. The federal and local police forces had the right to strike; however, the Government could order necessary personnel back to work to maintain law and order. There were no significant strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age of employment for children was 15. Youths between the ages of 15 and 18 could participate in part-time work/study programs and work full time during school vacations. The labor courts effectively monitored compliance with national laws and standards. There were no industries where any significant child labor exists.

e. Acceptable Conditions of Work.—The monthly national minimum wage for workers over 21 years of age was approximately \$1,050 (1,163 euros); 18-year-olds were required to be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent of the minimum. The national minimum wage, coupled with extensive social benefits, provided a decent standard of living for a worker and family. Minimum wages in the private sector were set in biennial, nationwide collective bargaining meetings (*see* Section 6.b.), which lead to formal agreements signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law the standard workweek cannot exceed 39 hours, and work on Sundays is prohibited. Many collective bargaining agreements set standard workweeks of 35 to 38 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week were considered allowable overtime. Longer workdays were permitted only if agreed upon in a collective bargaining agreement. These laws and regulations were enforced effectively by the Ministry of Labor and the labor courts.

There are comprehensive provisions in the law for worker safety. In some cases, collective bargaining agreements supplemented these laws. Workers had the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implemented health and safety legislation through a team of inspectors and determined whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitored compliance with national health and safety laws and standards.

f. Trafficking in Persons.—The law defines and criminalizes trafficking in persons; however, the country was both a transit point and destination for trafficking in women and children. Despite legislation that offered protection and continued residence in the country to victims of trafficking who come forward, both governmental and nongovernmental sources indicated a continuing rise in trafficking, particularly of women and minors for sexual exploitation. There were isolated reports that individual government employees accepted bribes to assist trafficking groups.

While a growing number of victims did come forward, it rarely led to the identification or capture of the traffickers. Traffickers not only moved their victims frequently from city to city within the country, but also used the EU's open borders

to move victims from country to country. Freedom of movement also made it easy for traffickers to evade arrest if one of their victims went to the authorities.

An interdepartmental committee provided coordination and communication between the various agencies and ministries involved in combating trafficking. This committee met several times annually under the auspices of the Center for Equal Opportunity and the Fight Against Racism. A magistrate was designated in each judicial district to supervise cases involving trafficking. The newly created Federal Prosecutor's Office was in charge of coordinating the various antitrafficking initiatives. Antitrafficking units also were established in the federal and local police forces; the Government has not compiled data in recent years on the number of persons arrested under the human trafficking law. Sentences for persons convicted under the law ranged from approximately 2 to 6 years' imprisonment and fines of approximately \$2,000 to \$10,000 (2,000 to 10,000 euros). However, at least some of the convictions were related only indirectly to trafficking. Relevant police agencies and magistrates investigated these cases, and legal action was taken against officials who abused their authority to help traffickers. The Government did not set a date for the trial but stated that it expects one to begin in 2003.

Since 1994 the majority of cases involved victims of either sexual or economic exploitation from sub-Saharan Africa (especially Nigeria), Central and Eastern Europe, and Asia (especially China). The victims of sexual exploitation increasingly were women under age 18. Nigerian and Albanian victims usually were young women between the ages of 21 and 30 trafficked for prostitution. Chinese victims often were young men trafficked for manual labor in restaurants and sweatshops. There were also occasional reports that boys as young as 12 or 13 years were brought into the country from West Africa and Latin America with false documents by soccer agents for tryouts with local clubs. Boys who failed to gain a contract sometimes were abandoned by their agents and ended up on the streets.

In 1996 authorities uncovered a suspected pedophile/child pornography and trafficking ring. Five suspects remained under investigation, including the accused ring-leader, Marc Dutroux, who was arrested and charged with murder. Dutroux was indicted on pedophile/child pornography and trafficking charges in December; a date for his trial had not been set by year's end. The lengthy delay in bringing the pedophile and trafficking case against Dutroux to trial continued to fuel widespread public criticism about the investigation of the case and the judicial system in general.

Under the law, victims of trafficking who provide evidence against the trafficker may be granted temporary residence and work permits and were eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGOs). In each of the three regions in the country (Wallonia, Flanders, and Brussels), the Government designated and subsidized a nonprofit organization to provide such assistance. At the conclusion of legal proceedings against their traffickers, victims generally were granted permanent residence status and unrestricted work permits. The rights of victims were respected in practice, and they were not treated as criminals. The Center for Equal Opportunity and the Fight Against Racism reported that shelters assisted 230 persons in 2000, primarily victims of sexual exploitation; the Center has not maintained these statistics.

The Ministries of Interior and Foreign Affairs worked closely together to assign antitrafficking liaison officers to Belgian embassies in countries of origin, including Albania, Cote d'Ivoire, the Democratic Republic of the Congo, Guinea, Kazakhstan, and Ukraine. These officers gathered information about local conditions and trafficking trends and assisted in establishing antitrafficking information campaigns for the local population.

The Government worked closely with the IOM to develop programs to combat trafficking and to assist its victims. For example, the Government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they had returned home. The Government worked closely with and supported NGOs that combat trafficking.

BOSNIA-HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: The Federation of Bos-

nia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation has a postwar Bosnian Muslim (Bosniak) and Croat majority while the RS has a postwar Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a central government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords assigned many governmental functions to the two entities, which have their own governments, Parliaments, militaries and police forces. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The High Representative also has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords.

In the Federation, the President appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Serious ethnic and political rivalries continued to divide Croats and Bosniaks. In the RS, the President and Vice Presidents are directly elected, while a Prime Minister selected by Parliament heads the Government. The Parliament, called the RS National Assembly, is elected on a proportional basis, and the Council of Peoples has the power to review laws vital to national interest issues of any of the constituent peoples. The RS Council of Peoples allows Bosniak, Croat, or Serb representatives to block legislation they believe threatens their group's vital national interest. In the city of Brcko, which is a "self-governing neutral district," an internationally appointed supervisor with executive authority is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly. The judiciary remained subject to influence by nationalist elements, political parties, and the executive branch and thus was unable to prosecute all but the simplest crimes fairly and effectively.

The October general elections were the first administered by local authorities since the end of the war. All previous postwar elections had been conducted by the Organization for Security and Cooperation in Europe (OSCE). OSCE election officials reported that the elections were free and fair. Turnout for the elections was lower than in previous elections. Candidates of the three main nationalist parties, the Bosniak Party for Democratic Action (SDA), the Serb Democratic Party (SDS), and the Croatian Democratic Union (HDZ), won seats to the tripartite BiH Joint Presidency. In the RS, the SDS, founded by wartime Serb leader Radovan Karadzic, won a plurality, but lost ground to the moderate Alliance of Independent Social Democrats (SNSD). Following the October elections, coalitions of nationalist parties from all three ethnic groups gained control in the Parliaments at the state and both entity level governments. Several swing parties that had previously supported the moderate Alliance For Change (AFC) government, such as the RS-based Party of Democratic Progress (PDP) and the Bosniak Party for BiH (SBiH), joined with the nationalist parties. This gave the nationalist coalitions the numbers they needed to gain control of the Parliaments at both the BiH and entity levels.

The Constitution gives the Government of each entity responsibility for law enforcement in accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the non-military aspects of the settlement, such as civilian reconstruction, the return of refugees and displaced persons, and freedom of movement of the civilian population. The U.N. International Police Task Force (IPTF), which was established by the U.N. under Annex 11 of the Dayton Accords, completed its mission on December 31. It was succeeded by the smaller European Union Police Mission (EUPM), whose stated objectives were to monitor, mentor, and inspect the local police, and to raise police standards so that they are in line with accepted European and international practice. Some international observers were concerned as to whether the EUPM would be sufficiently prepared to monitor thoroughly abuses and lack of compliance by local police. In addition to locally recruited police forces, the entities maintained separate armies. While the BiH-level Constitution states that the armies are under BiH-level Presidential authority, in practice they were controlled by the entities. Entity governments generally maintained civilian control over the armed forces. During the year, police in both the Federation and the RS used internal affairs units to investigate and dismiss officers for committing abuses. Members of the police and security forces in both entities committed some human rights abuses in many parts of the country.

While the country continued to make progress toward implementing free-market reform, the economy remained only at the early stages of transition to a market economy. By the end of July, the estimated population in the country was 3,950,000, compared to an estimated prewar population of 4,377,033. Per capita gross domestic product remained only half of the prewar level, and unemployment stood at approxi-

mately 18 percent, even taking into account the considerable employment that occurred within the informal economy, where workers typically received no benefits. The country remained heavily dependent on foreign assistance, which was expected to diminish significantly. The country made advances in areas necessary to make the transition from post conflict aid dependence to sustainable economic growth. Such advances included: Stimulating more private sector development; attracting more investment and providing a hospitable tax regime; accelerated privatization; a tougher stance on crime and corruption; and a single economic space. There was a growing gap between rich and poor, due mainly to the lack of rule of law. The growth in the black and gray markets in the years after the war allowed some to reap windfall profits, while the law abiding continued to face serious economic hardship.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The degree of respect for human rights continued to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. According to credible reports, police continued to abuse and physically mistreat detainees and other citizens. Police brutality continued, for the most part with impunity. However, U.N. monitors reported progress in establishing procedures to ensure police accountability and transparency, such as a substantial drop in illegal and arbitrary detentions. Prison conditions met prisoners' basic minimum needs for hygiene and access to medical care; however, overcrowding and antiquated facilities continued to be a problem. The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Overlapping and poorly defined layers of judicial responsibility and outdated procedures made the administration of justice sporadic and vulnerable to manipulation. Even when independent decisions were rendered, local authorities often refused to carry them out. Although the RS Parliament passed a law on cooperation with the Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) in September 2001, the RS continued its de facto refusal to take action against any Serbs indicted by the ICTY. Although the Federation did not facilitate any new transfers during the year, the Federation cooperated generally with the ICTY. Authorities in all areas infringed on citizens' privacy rights. The destruction of minority-owned houses continued in some areas of the RS and in Croat-controlled areas of the Federation.

Pressure and harassment of media by authorities and dominant political parties declined somewhat compared with 2001 but intensified in the month immediately before the national elections. Incidents included bureaucratic harassment, intimidation, published insults, and threatening behavior. Nonetheless, the nature of the incidents tended to be less violent and less overt than in the previous year. Academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. Authorities continued to impose some limits on freedom of assembly and association. Both entity governments and private groups continued to restrict religious practice by minorities in majority areas; religious discrimination remained a problem. Freedom of movement continued to improve, although some restrictions remained in practice. While police failed to ensure security for refugees returning to areas in which they were an ethnic minority, incremental improvement and responsiveness were noted.

Violence against women, in particular domestic violence, was a persistent yet underreported problem, and discrimination against women persisted. Severe discrimination against ethnic minorities continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. Isolated instances of political, ethnic, or religious violence continued. The political leadership at all levels, in varying degrees but more so in the RS than in the Federation, continued to obstruct minority returns in certain localities. Members of society, organized by local authorities, harassed minorities and violently resisted their return in some areas, such as Trebinje, and elsewhere in the RS. Trafficking in women and girls was a serious problem. Bosnia and Herzegovina was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On November 12, after a 17-month trial, a Sarajevo court acquitted all six defendants charged in the 1999 bombing that killed former Federation Deputy Interior

Minister Jozo Leutar due to lack of evidence. The judge noted that the testimonies of the two protected witnesses were contradictory. At the time of his assassination, Minister Leutar was carrying out an investigation into organized crime. The prosecution was preparing an appeal to the Federation Supreme Court at year's end.

On September 24, Zeljko Markovic, Police Chief of Serb Sarajevo, was killed outside his home in Sokolac. Police detained a few persons for interrogation but later released them due to a lack of evidence. As of the end of October, the investigation was continuing, and many believed that his death may have been connected to his work against corruption and organized crime.

In October 2001, police discovered the bodies of Father Matanovic and his parents, who disappeared from Prijedor in 1995, in the well of their family residence in Rizvanovici (*see* Section 1.b.). Autopsies revealed that their hands had been bound with RS police-issued handcuffs and that each had been shot in the head with police weapons. In 2001 several former RS police officials were under investigation, and in May 2001, the IPTF commissioner had deauthorized three Prijedor police officers for their involvement in Father Matanovic's disappearance. Also in May 2001, five former RS police officials were detained. The ICTY approved the investigation and detention of these five former RS police officers, and their case was transferred to the domestic judicial system where it has been turned over to an investigative judge (*see* Section 4).

In October the trial began in the ICTY against Slobodan Milosevic, the former President of Serbia and Montenegro (Yugoslavia), who was arrested last year and charged with genocide (*see* Section 4). The local prosecution of war crimes cases proceeded slowly due to political interference; however, authorities made some progress during the year with the arrest and trial of suspects in the Bosnian courts. The lack of a witness protection program has hampered prosecutions (*see* Section 1.c.).

SFOR arrested numerous war crimes suspects. For example, on April 1, SFOR arrested Momir Nikolic who was indicted by the ICTY in connection with the 1995 Srebrenica massacre. On June 13, SFOR arrested Darko Mrdja in Prijedor in connection with the August 1992 massacre of more than 200 men in the Vlasic mountain region in the central part of the country. On July 7, Miroslav Deronjic was arrested on charges of crimes against humanity in the village of Glogova near Bratunac in 1992. On July 9, Radovan Stakovic was arrested for his alleged role in the detention, torture, and sexual assault, including rape, of Bosnian Muslim women and girls in Foca from June 1992 to February 1993.

In addition to SFOR arrests, Dusan Knezevic, one war crimes suspect, voluntarily surrendered on May 18 to representatives of the U.N. war crimes tribunal in Banja Luka. He was one of four suspects charged with atrocities against Bosniaks and Croats at the Omarska and Keraterm war camps in the country in 1995. In May Serbian police arrested Ranko Cesic for war crimes and crimes against humanity in the Luka camp near Brcko.

On January 3, the Sarajevo Cantonal Court convicted Bosnian Serb Goran Vasic of beating Bosnian Muslim prisoners at a wartime camp but acquitted him of killing Bosnia's Deputy Prime Minister Hakija Turajlic in 1992.

On October 14, persons received sentences of 2 to 13 months' imprisonment for their role in the Ferhadija Central Mosque riots in May 2001, where crowds protesting the laying of a cornerstone for the reconstruction of that mosque killed a Muslim man (*see* Section 2.c.). In April a murder suspect was arrested in April for the 2001 killing of a 16-year-old Bosniak girl near Vlasenica; however, he was released in July. At year's end, the case remained unsolved.

An improvement in the security environment for returnees resulted in a decrease of 43 percent in documented acts of violence in the RS from 2001. Bosniak Muamar Topalovic was suspected of murdering three members of a Croat family, the Andjelic family, in Konjic on December 24. On December 31, a 76-year-old Bosniak woman was murdered in Kozarska Dubica in the RS.

An estimated 1 million landmines were planted in the country during the 1992–95 wars (*see* Section 1.c.). Since 1995 landmines have killed 339 persons, 21 during the year.

b. Disappearance.—There were no reports of politically motivated disappearances during the year. There remained an estimated 20,000 to 30,000 persons missing from the wars in 1991–95.

Under an OHR-mediated agreement reached in 1996, exhumations were carried out by the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons. The commissions were free to carry out exhumations and collect unburied mortal remains in territory under the authority of another majority ethnic group using an established notification system. The International Commission for Missing Persons (ICMP), which operated in all countries of the former Yugoslavia, reported that the remains of an estimated 750 persons had been recovered in the country as of

mid-October, and an additional 60 or more sets of mortal remains were exhumed in the intraentity process. The largest gravesite to be uncovered during the year was found in Kamenica and was believed to contain, along with other gravesites in the area, approximately 1,000 sets of mortal remains of victims from Srebrenica, which were expected to be recovered by the end of the year.

The ICMP continued developing its centralized system of DNA identification, finishing construction of its DNA laboratory in Banja Luka. The ICMP collected 9,729 blood samples by the end of September and was expected to have collected 13,000 samples by the end of the year. During the year, 18,838 DNA blood profiles were obtained. ICMP also received 4,000 bone samples resulting in 2,519 DNA bone profiles during the year. By the end of the year, 1,250 DNA matches had been made that should result in the identification of approximately 750 missing persons.

The Missing Persons Institute (MPI) is a state institution that opened in August 2000 to serve as a working platform for entity-level commissions on missing persons under guidance from the ICMP. During the year, ICMP instigated the separation process of MPI from ICMP, as MPI will eventually take over responsibility for recovering and identifying human remains and supporting families of the missing.

The issue of missing persons was used for political purposes prior to the October elections. The RS government Bureau for Relations with the ICTY issued a report in September, during the pre-election period and prior to the beginning of the Milosevic trial in the Hague, which stated that only 1,800 persons were missing from Srebrenica. The report did not cite any supporting evidence. In this context, a neutral scientific approach, such as that provided by ICMP's DNA identification process, was intended to prevent such political manipulation and ultimately provide closure and an unbiased answer as to the number of missing persons from Srebrenica.

The International Committee of the Red Cross (ICRC) reported that since 1995 it had received requests from family members to trace 20,845 persons missing from the war years, including 17,330 Muslims, 740 Croats, 2,643 Serbs, and 132 others. A total of 3,143 of these persons had been accounted for (318 of whom were found alive) by year's end. The ICRC reconstituted the Working Group for Tracing Missing Persons, which was created by the Dayton Peace Agreement to serve as a channel for passing tracing requests to local authorities. This group had been suspended in 1999 due to lack of cooperation from local authorities.

RS compliance with the Human Rights Chamber's decisions ordering full investigations into several wartime disappearance cases improved somewhat during the year (see Section 1.e.). For example, the RS fully complied with the 1997 Human Rights Chamber's order to conduct a full investigation into the disappearance of Father Tomislav Matanovic from Prijedor in 1995 (see Section 1.a.). Pressure from the IPTF was a factor in the successful conclusion of this investigation. However, the RS authorities ignored requests for investigations in numerous other cases.

During the year, the RS paid compensation awarded by the Chamber to Colonel Avdo Palic's family but did not conduct an investigation, ordered by the Chamber, into his disappearance in 2001. Therefore, the RS only partially complied with the Palic decision.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment, but in all areas of the country, police abused and physically mistreated persons at the time of arrest and during detention. However, according to U.N. monitors, the number of complaints against police officers declined significantly during the year. Monitors cited as a major reason for the improvement a U.N.-initiated program to set up a system of maintaining a written record at every step of the arrest and detention process. There were 105 incidents of police misconduct reported to the IPTF. Categories of misconduct may include assault, beatings in custody, excessive use of force, ill treatment, harassment, police inaction, illegal detention, restriction of movement, improper seizures, abductions, sexual assaults, negligence, corruption, and abuse of power.

Police commonly failed to act on complaints of police brutality, and punishments were mild and often done only under pressure from the IPTF or other international monitors. Police were not usually criminally charged in such cases. Many victims of police abuse were reluctant to file complaints for fear of retribution. To remedy these problems, a U.N. accreditation program was created. The goal of the program was to accredit those law enforcement agencies that met clear criteria for democratic, multiethnic police institutions. To gain accreditation, a police force must demonstrate professional competence, organizational capacity, and institutional integrity.

Specific requirements for accreditation included the establishment of standard operating procedures and an internal review process. Professional Standards Units (in-

ternal affairs) were created in each of the Ministries of Interior and in the District of Brcko. The policies included strict guidelines for arrest and detentions, civilian selection and review boards, and promotion and disciplinary procedures. With Professional Standards Units operational, police forces acted against some officers, resulting in fines, suspensions, and dismissals, as well as several criminal convictions.

During the year, the IPTF certified 16,764 police officers and issued 556 denials of certification. This process of certification for local, entity and BiH-level law enforcement officers, all of whom had previously received provisional authorization, involved in-depth background checks, as well as completion of IPTF-mandated training. Among the applicants, 352 failed final certification on the basis of wartime activities or serious disciplinary problems. The latter category included those with criminal records or indictments, as well as those with three or more noncompliance citations by IPTF.

Poor police protection and violence against minority communities continued in several areas, particularly in the eastern RS and Herzegovina (*see* Section 5).

Police in the eastern RS were able to provide security for Bosniak events, which included the "Women of Podrinje" commemoration in Bratunac and the Srebrenica commemoration in July. Both of these events occurred without violence, as did many mosque openings throughout the year, in contrast to the previous year. A total of 1,600 minority police officers had been added to both the Federation and the RS police forces by year's end. Although this represented only 10 percent of the entire police force, it was an improvement for ethnic minority populations.

Some police officers were involved in trafficking in persons (*see* Section 6.f.).

During the year, the entity Mine Action Centers were combined, forming a BiH-level Bosnia and Herzegovina Mine Action Center (BiH MAC). In addition, more active commissioners were appointed to the BiH-level demining commission and worked with BiH MAC toward the goal of making the country free of landmines by 2010. In both entities, and in relevant Cantons and municipalities, over \$1.5 million (3 million KM) was spent on demining during the year. These government contributions represented a meaningful first step in transferring the responsibility for funding demining from the international community to the country. The funding covered overhead expenses at the Mine Action Center. Conflicting forces planted an estimated 1 million landmines in the country during the 1992–95 wars. Since 1995, landmine explosions have injured 1,033 persons; 34 were seriously wounded during the year. As of August, between 7 and 10 percent of the total of landmines and unexploded ordnance in the country had been removed.

Individual and societal violence motivated by ethnic conflict continued to be a serious problem, and numerous bombings, shootings, and assaults caused deaths, injuries, and significant material damage (*see* Sections 2.d. and 5); however, violence decreased compared with 2001.

There continued to be numerous violent incidents directed at returning refugees (*see* Sections 2.d. and 5). Violence against journalists, including physical assaults, continued (*see* Section 2.a.).

Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and antiquated facilities remained chronic problems. Corruption among prison officials continued to be a problem. Prisoners organized strikes in Zenica and Orasje to demand better conditions. There were no separate prisons for female or juvenile inmates, but they were held in separate wings of facilities for adult males. Pretrial detainees were also held separate from convicted criminals. Conditions were worse in police detention facilities, where overcrowding and inadequate food and hygiene were chronic problems.

The Government permitted visits by independent human rights observers; international community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in both entities as well.

d. Arbitrary Arrest, Detention, or Exile.—The Constitutions of both the entities and the country prohibit arbitrary arrest and detention. Arbitrary arrest and detention declined after the introduction of accounting procedures to track the arrest and detention process. Police must now maintain written records documenting each step of the process. According to U.N. monitors, the number of complaints has dropped significantly since these procedures came into effect. Federation law permits prearrest detention of up to 24 hours; in the RS prearrest detention may extend for 3 days, but these deadlines have been violated. The IPTF denied certification to some police for violating these procedures.

On October 11, the BiH's Human Rights Chamber determined that the BiH and Federation governments violated human rights conventions in transferring four of six Algerian terrorism suspects to the custody of a foreign government in January. Three of the four suspects were stripped of their Bosnian citizenship after the BiH government determined that they had obtained their citizenship fraudulently. The

fourth was not a Bosnian citizen but had a residence permit. The Chamber ruled that the transfer of the four suspects was illegal because the Ministry of Civil Affairs and Communications did not issue a required decision on expulsion. The Chamber also held that the four suspects were unlawfully detained from January 17 to January 18, but that their detention from October 2001 to January 17 was lawful. Additionally, the Chamber held that the BiH and the Federation governments should have sought assurances from the foreign government that it would not seek the death penalty against the detainees prior to their hand-over. The Chamber ordered both the BiH Federation governments to pay monetary compensation to each applicant and to engage attorneys on behalf of each applicant. The Chamber also ordered BiH to seek assurances that the death penalty would not be sought and to provide consular support to each of the applicants. In public statements, Ministers criticized the Chamber's decision as influenced by political concerns and claimed that the decision was flawed on both procedural and substantive grounds. Nonetheless, the BiH government indicated it would comply with the Chamber's decision, although at year's end it was considering pursuing an appeal.

On October 26, SFOR detained Sabahudin Fijuljanin for conducting surveillance of SFOR's Eagle Base in Tuzla. Evidence obtained during a search of Fijuljanin and his house in Gornja Maoca included a pistol, multiple passports issued in Fijuljanin's name, and an armed rocket propelled grenade launcher. Additional information led SFOR to conclude that Fijuljanin was linked to al-Qa'ida. SFOR stated that Fijuljanin's detention was based on the Dayton Peace Agreement, which provides SFOR with the authority to take necessary measures to ensure safety of SFOR personnel and installations. In November Fijuljanin contacted his attorney, and on December 9, Fijuljanin's lawyer filed an application with the Human Rights Chamber on Fijuljanin's behalf asking the Chamber to order the BiH and Federation governments to prevent his removal from the country. Fijuljanin also was allowed to contact his family during his detention and received visits by representatives of the ICRC. Fijuljanin remained in detention, and his case was pending before the Human Rights Chamber at year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and some political parties continued to influence the judicial system. The legal system was unable to protect the rights of either victims or criminal defendants adequately because of its inefficient criminal procedure codes and ineffective trial procedures. The judiciary remained subject to influence by political parties. Judges and prosecutors who showed independence were subject to intimidation, and local authorities at times refused to carry out their decisions.

Some political leaders and organized crime figures attempted to influence judicial institutions and prosecutorial offices in both entities. Government officials and nationalist elements in the past exerted political pressure to obstruct investigations by law enforcement agencies. Some politicians and other powerful figures continued to exert influence on cases before the courts. Court files often contained letters from politicians about particular cases, and politicians often made public statements blaming judges or prosecutors for carrying out their duties. Organized crime elements also sought to pressure judges. The criminal justice system did not investigate or prosecute serious crime or corruption cases effectively. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction.

Even when the courts rendered a fair judgment, local officials and the court police often ignored or refused to implement their decisions. This was especially true for those who won decisions mandating the eviction of illegal occupants from their property, although this continued to improve during the year under pressure from the international community (*see* Section 1.f.).

In order to increase the efficiency of legal assistance and official cooperation in criminal matters between the entities themselves as well as between the entities and Brcko, the High Representative imposed the Law on Legal Assistance and Official Cooperation in Criminal Matters on May 23. In conjunction with this law, the OHR also set up a Federation bar association and adjusted RS laws in order to harmonize both entities' bar associations. The Law on Legal Assistance and Official Cooperation in Criminal Matters was aimed specifically at more effective discovery, prevention, and prosecution of all types of criminal activities, as well as to facilitate and strengthen legal assistance and official cooperation in the fight against crime, terrorism, corruption, and other illegal activities. However, this new law was not fully implemented; regulating legislation was not enacted, and by year's end, there had been little or no cooperation between the separate structures of courts and prosecution agencies in the Federation and the RS. Cooperation between police and

courts in the different entities remained weak. Although there were isolated instances in which the 1998 Memorandum on Inter-Entity Legal Cooperation was used successfully, little sustainable progress was made in creating viable and effective structures for such cooperation. For example, there was still no mechanism between the Ministries of Interior to enable arrest warrants to be executed throughout the country.

Enforcement of civil judgements remained weak due to the lack of cooperation between courts and police generally; the low priority given to enforcement cases by the courts; and the many legal loopholes that allowed debtors to delay or avoid enforcement.

Since 2000 laws in each entity have mandated commissions (in the Federation) and councils (in the RS) responsible for recommending candidates for judicial and prosecutorial appointment. These laws also called for a one-off 18-month "comprehensive review" of the suitability of all sitting judges and prosecutors. The Independent Judicial Commission (IJC) was expected to monitor both the appointment and review process in 22 commissions. International community assistance enabled the introduction of uniform and improved appointment practices through a Memorandum of Understanding applicable in both entities, although the procedure was still complex and the final power of appointment remained with the legislative bodies. However, by the end of 2001 it was clear that the Comprehensive Review Process had not produced tangible results. Very few judges or prosecutors had been removed from office or disciplined as a result of the process, despite the large number of complaints against them.

The IJC recommended a more aggressive approach to the appointment of judges and prosecutors, bringing forward some changes on which it had anticipated working at a later time. This new approach, known as the reinvigorated judicial reform strategy, was adopted by the Peace Implementation Council in February. With limited exceptions, after restructuring, all judicial and prosecutorial posts would be filled in an open competition.

The peer-review based Comprehensive Review Process was ineffective in removing unsuitable judges and prosecutors. The IJC therefore proposed a reselection process for all judges and prosecutors, coupled with a restructuring of courts and prosecutor's offices, as part of a reinvigorated judicial reform strategy. In August the OHR appointed the first members of three newly created BiH-level High Judicial and Prosecutorial Councils (HJPCs). The HJPCs were intended to strengthen the integrity and professionalism of judges and prosecutors. By year's end, the HJPCs had reviewed 300 applications for 90 vacant judicial and prosecutorial positions, and in December they issued the vacancy announcements for the approximately 900 remaining positions at the country and entity levels. Other aspects included reform of key procedural laws, creation of Judicial Training Institutes, and reform of court administration. Judicial reform was necessary because although both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel, an inefficient criminal procedure code has resulted in long delays in trials and few final verdicts. Appellate courts frequently sent cases back to first instance courts to correct minor errors in order to avoid making final decisions on cases. First instance courts were overburdened with the responsibility for gathering evidence during the preliminary examination stage, a task given to the investigative judge rather than the prosecutor, resulting in a prolonged judicial process.

On June 20, the BiH House of Representatives passed a law creating the State Information Protection Agency (SIPA). When UNMIBH and the international community initially began to advocate this law, SIPA was intended to act as an embryonic Bosnian "FBI." However, after a difficult negotiation process, SIPA's originally intended mandate became limited. SIPA served as a conduit for information and evidence among local, as well as some international, law enforcement authorities, and, in limited circumstances, SIPA acted as a protection authority for diplomats and officials. Since the law was passed, little progress has been made in establishing this agency. By year's end, SIPA still lacked a budget, staff, and permanent building facilities.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (*see* Section 4). The Chamber may consider alleged violations of the European Convention on Human Rights if the matter is within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing. Decisions of the Chamber are final and may not be appealed to the Constitutional Court.

Implementation of Human Rights Chamber decisions by local authorities improved somewhat in the RS. The RS achieved full compliance with some decisions

by reinstating claimants in their houses and apartments and paying them compensation. The RS fully complied with one high profile case, the Matanovic case, by completing its investigation of the case (*see* Section 1.a.), and also complied partially with religious discrimination cases by taking actions such as issuing approval for the reconstruction of mosques in Bijeljina. The Federation continued to implement most Chamber decisions, taking the remedial action ordered and paying compensation awards. Both the Federation and the RS failed to comply with a small number of Chamber decisions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to “private and family life, home and correspondence,” and the right to protection of property; however, authorities in all areas infringed on citizens’ privacy rights.

In the RS, police routinely conducted searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. While this problem was not as common in the Federation, it occasionally occurred.

Since the war, large numbers of citizens have been unable to reclaim property, either privately or collectively owned, to which they had occupancy rights under the Communist system. Enactment of property legislation proceeded extremely slowly in both entities; however, pressure from the international community had a positive impact on property law implementation. In the Federation, by year’s end, 92 percent of property claims had been adjudicated and 74 percent of property returned. At the same time in the RS, 76 percent of property claims had been decided and 62 percent of property returned. The increases in the RS were well ahead of initial expectations. For the country as a whole, at year’s end, 85 percent of property claims had been adjudicated and 69 percent of property returned. Despite these notable increases, the political leadership in both entities continued to obstruct minority returns by delaying needed reforms and not implementing evictions and other property related decisions, particularly in the Croat areas of Herzegovina and in the eastern RS. In Sarajevo delays persisted due to the large backlog of cases, and evictions failed to keep pace with decisions to return property to the prewar owners.

During the year, the Human Rights Chamber and Human Rights Ombudsmen issued numerous decisions in cases where local authorities failed to return apartments or homes to legal owners seeking to return to their prewar homes (*see* Sections 1.e. and 4). Most applicants were in possession of certificates issued by the Commission for Real Property Claims (CRPC), which are final and binding, determining that they held legal occupancy rights; however, local authorities failed to evict illegal occupants as required by law. In September the international community introduced the “New Strategic Direction,” a property law plan that requires local authorities to evict illegal occupants in chronological order in order to provide greater transparency in the process and accelerate property law implementation. The Federation and the RS both adopted the New Strategic Direction plan, and the BiH-level Ministry of Human Rights and Refugees fully endorsed the plan.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides a general statement supporting freedom of speech and of the press, although actual laws regarding freedom of the press are delegated to the cantons in the Federation, and to the central authorities in the RS; however, the Government did not always respect these rights in practice.

The primary restraints on freedom of the press were inappropriate pressure on the principal media by governing political parties, intimidation and libelous attacks on journalists, and politicized use of tax and financial inspections. While there were some improvements in the development of a free and independent press, many media outlets maintained subjective political biases. Threats to journalists remained high, although the severity of harassment incidents declined. Government officials in both entities continued to pressure media outlets to change editorial policies through excessive tax audits and other bureaucratic harassment. The Media Helpline was transferred from OSCE to OHR auspices during the year and continued to monitor and report abuses against journalists and freedom of speech.

In late 2001, the OHR imposed a new Broadcasting Law superseding previous media laws and amendments. The BiH and Federation Parliaments adopted the law, but the RS had yet to do so at year’s end. If adopted the law would install a new Board of Governors for the Radio Television Republika Srpska (RTRS) in the RS.

In June 2001, the Council of Ministers adopted the Stability Pact Charter for Media Freedom which pledges the Council of Ministers to protect and promote freedom of expression; remove obstacles to freedom of media; respect the principles of

a free and independent press; and provide free access to information. These laws and policies were intended to develop a solid legal basis for free and open media in the future. However, by year's end, the effects of these laws were not yet evident, and journalists still found it difficult to work independently and professionally.

In May a Federation Parliamentarian vigorously attacked Federation TV and its journalist Bakir Hadziomerovic from the floor of Parliament for a controversial investigative story aired on that station. A local association of journalists defended the journalist and the station, claiming that the representative had misused his office to intimidate the media. Also in May, Radmilo Sipvac and Dragan Risojevic from Nezavisne Novine in Banja Luka received a letter from RS customs director Goran Popovic rudely demanding that they provide proof within 3 hours for a story about Customs Agency-organized smuggling activities. (Popovic later resigned in connection with another RS customs fraud incident.)

Some opposition and independent newspapers operated in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, owner of the only independent printing house in Sarajevo (the other printing facility in the Federation is the Government-controlled Oko), was the highest circulation daily in the country. During and since the fall election campaign, Avaz realigned itself more closely with the nationalist SDA party. Dani and Slobodna Bosna were the most influential independent magazines in the Federation. In the RS, the Government-owned printing company, Glas Srpski, had a virtual monopoly. One of the few independent magazines in the RS was Reporter, a weekly published by a former correspondent of the Belgrade-based independent magazine Vreme. Nezavisne Novine was an independent newspaper distributed throughout the country; however, its circulation was limited.

Government officials, especially in the RS, exerted economic pressure by directing the advertising business of government-owned companies away from independent media outlets critical of the Government. Some independent media in the two entities, for example, Dani and Reporter, assisted in the distribution of each other's publications in their respective entities.

The largest television broadcasters were Radio Television Bosnia and Herzegovina (RTV BiH) in the Federation and RTRS in the RS. The international community launched the Open Broadcast Network (OBN) in 1997 as a cross-entity broadcaster and a source of objective news and public affairs programming; however, because of massive financial problems, it lost most of its affiliates and staff. Reduced to only a Sarajevo broadcaster, in September OBN announced the formation of an independent network with NTV, a station in Banja Luka. There were dozens of small independent television stations located throughout the country. Some of these broadcasters originally were municipal stations; they had not yet been privatized fully by year's end, although their legal ownership status was further clarified by the Communications Regulatory Agency (CRA).

Radio broadcasting in the Bosniak-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—was diverse. Opposition viewpoints were reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. Nez Radio and Radio Pegas reported a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they usually were highly nationalistic. Local Croat authorities did not tolerate opposition viewpoints. One exception was Studio 88, in Mostar, which broadcast reports from both sides of that ethnically divided city and Radio N in Livno, which broadcast balanced reports despite strong pressure from nationalists.

The BiH government and both entity governments adopted the Freedom of Access to Information (FOI) Act, establishing a general right of public access to government information, and both entities began implementing the Act. The Government had not yet adopted FOI guidance legislation by year's end, but claimed to be implementing the FOI law.

The RS adopted a law on Defamation and Slander. The Federation draft law on defamation and libel, criticized for excessive fines, was withdrawn, and no draft had been adopted by year's end. Although the High Representative abolished criminal penalties for libel, in the absence of a law, Federation journalists still ran the risk of conviction for a criminal offense of libel. The Federation Ombudsman stressed the inequity of this situation for Federation citizens and the detrimental effect on media freedom in the Federation. Despite the establishment of criminal penalties for libel, print dailies and weeklies routinely published unsubstantiated rumors and personal attacks on political figures as directed by their political party affiliations, prior to and continuing after the election campaign.

The CRA, formerly the Independent Media Commission, was a domestic agency established by the High Representative to regulate broadcasting in the country, in-

cluding enforcement of the established code of practice. Generally, the presence of the CRA, and the effective functioning of its complaints procedure and enforcement provisions, considerably reduced the level of inflammatory and hate language in the electronic media. This was particularly evident in the electronic media's coverage of the election campaigns.

In May the High Representative imposed legislation establishing the Public Broadcasting System (PBS), with both entity-level broadcasters as components. This was an important step forward in creating the legal framework for public and private broadcasters and codifying the regulatory responsibilities of the CRA, now independent of the Office of the High Representative and properly functioning as a BiH-level regulatory agency. However, the process of drafting the legislation, and specific clauses which could potentially deny private broadcasters genuine free-market competition, access to programs, and especially advertising revenue, raised concerns among broadcasters, NGOs among involved in media, and members of the international community.

There was increasing consensus within OHR that the CRA should have the proper regulatory authority to address advertising caps on PBS on a regular basis. There was also recognition that recourse to advertising revenue puts pressure on public stations to behave according to market forces, which may be at odds with public service obligations, such as the broadcast of educational programs. Subscription fees were considered as an alternative revenue source. A focus on building subscription fees as the primary revenue source for PBS and entity broadcasters would require a technical change in the PBS Law, strengthening the CRA's statutory right to regulate advertising cap rates as appropriate. This change had not yet been made at year's end. The CRA does have authority over satellite fee and frequency allocation issues.

Through early summer there were serious concerns that private broadcasters would lose access to high sites transmission facilities, to which public broadcasters have first priority but not exclusive rights. There were sufficient channels available, and the CRA resolved this issue to the satisfaction of private broadcasters. Commercial stations may broadcast from high sites upon prior request if the spectrum is available and coordinated. As a result, this issue ceased to be a point of contention.

Overall, completion of the long-term licensing process by the CRA for television and radio broadcasters, and formal establishment of the PBS, brought considerable order to the broadcasting media field. The process was not completed because certain provisions of the PBS law needed review to enable the fair and appropriate co-existence of public service and private broadcasters, as well as to support the CRA in its purpose as a strong and independent regulatory body. However, the initiative made significant progress. Electronic media operated in a more transparent and more properly regulated broadcast environment than it had previously, reducing the ability to restrict freedom of the press.

In a survey of the period from August 5 to September 5, shortly before the Bosnian elections, Internews BiH, a Bosnian NGO providing media training, recorded pressure from political parties on 66 radio and television stations throughout the country. Twenty-two percent of the total outlets reported pressure one or more times during this period, consisting of threatening calls or messages and other nonviolent threats. Fifty-four percent of the television stations and 19 percent of the radio stations surveyed reported threats. None reported any governmental pressure using tax or financial control measures. Three weeks before elections, Republika Srpska authorities announced financial control inspection for the weeklies Reporter and Patriot and the daily Nezavisne, although the previous inspection had occurred only 3 months earlier. All three media outlets interpreted this Tax Administration gesture as direct pressure against media because they had reported critically on the former RS Finance Minister. (The established period for tax inspections is 6 months.)

In April Vildana Selimbegovic, editor in chief of the weekly Dani, was threatened for a story on Abu Nidal's terrorist organization and its connections to the country. In her article, Selimbegovic linked a Bosnian lay member of the religious establishment in Sarajevo with Nidal. This individual threatened Selimbegovic, demanding money for having his name published in the article. In a phone conversation, he warned that if anyone were named a terrorist, Selimbegovic "would not write anything ever again." Dani published these threats in a subsequent article, and a court case was opened against this person.

During the summer, journalists for the daily Dnevni Avaz, Dani weekly magazine, and Federation TV were verbally attacked in Zenica while covering a story on a person detained in Mostar for possession of firearms. A group of individuals on motorcycles demanded and confiscated the TV crew's videos and intimidated the print journalists into leaving the story site.

Responding to an August article in *Slobodna Bosna* which identified him as the “lawyer of the Bosniak Mafia,” a religious leader publicly labeled the newspaper’s editor “a psychiatric case who should not be taken seriously.” Later, in his religious capacity, he included a blanket condemnation of written and electronic media in his public prayer.

On September 15, an individual forced his way into the editorial offices of *Dnevni List* in Mostar, behaving violently and demanding to know who took the photographs in last year’s edition of this daily covering the *Herzegovacka Banka* takeover. Those present reported the assault to the police who arrived, took a statement from the man, and released him, although they said that criminal charges would be raised against him.

Several cases from 2001 involving attacks on journalists remained unresolved by year’s end. These included: The June 2001 armed confiscation of a camera and tape from a Belgian TV crew in Pale; the August 2001 attack on *Oslobodjenje* journalist Elvir Beslic; and the November 2001 bombing of the house of journalist Zoran Sovilij. However, the attacker of Kenan Cerimagic of *TV Hayat* was tried during the year and given a nominal sentence of a few months.

Access to the Internet was unrestricted; however, for economic reasons, only approximately 4 percent of the population had access.

The Government did not restrict academic freedom. However, academic freedom was at times constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo Serbs and Croats complained that members of the Bosniak SDA party and Bosniaks generally received special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city. East Mostar University maintained a degree of ethnic diversity in its student body and staff but suffered from a serious lack of resources and staff. University of Mostar in West Mostar remained politically dominated by Croat nationalists.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice.

In July large numbers of Bosniaks visited cemeteries in Visegrad and no violence was reported. A large-scale gathering in Bratunac in May and another in Srebrenica, where 5,000 Bosniaks gathered in July to commemorate the 1995 Srebrenica massacre, also occurred without incident.

In early March, approximately 5,000 war veterans protested in Sarajevo, calling for the Government to pass legislation to allow more benefits for war veterans and the families of soldiers killed in the war. The SDA was one of the main organizations encouraging the protest. On December 19, hundreds of Bosnian Croats protested the decision of the Federation government to halt the payment of benefits to Croat war veterans and the families of soldiers killed during the war. The protesters blocked four major border crossings with Croatia in the north and the south and two major road junctions in central and southern Bosnia. There were no reports of violence committed by either the protesters or the authorities in either protest.

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the Government-owned sector of the economy (*see* Section 6.a.).

c. Freedom of Religion.—The BiH Constitution and both entity Constitutions provide for freedom of religion, and individuals generally enjoyed this right in areas that were ethnically mixed or where they were adherents of the majority religion; however, the ability of individuals to worship in areas where theirs was a minority religion was restricted, sometimes violently.

Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurred in virtually all parts of the country. Discrimination was significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation. However, incidents of discrimination occurred in Bosniak-majority areas as well.

While the majority of the population in the Federation consisted of Bosniaks and Croats, neither Islam nor Roman Catholicism enjoyed special status under the Federation Constitution. In 2000 the Bosnian Constitutional Court struck down a provision in the RS Constitution directing the entity government to “materially support

the Serbian Orthodox Church and cooperate with it in all fields.” During the year, the RS gave only nominal financial assistance to representatives of the Serbian Orthodox, Roman Catholic, and Islamic faiths.

Parties dominated by a single ethnic group remained powerful in the country. Most political parties continued to identify themselves closely with the religion associated with their predominant ethnic group; however, some political parties were multiethnic. Some clerics characterized hard-line nationalist political sympathies as part of “true” religious practice.

The Constitution provides for proportional representation for each of the three major ethnic groups in the BiH government and the military. Because of the close identification of ethnicity with religious background, this principle of ethnic parity in effect has resulted in the reservation of certain positions in the BiH government and the military for adherents or sympathizers of certain faiths. The military in the RS was staffed overwhelmingly by ethnic Serbs and only had Serbian Orthodox Chaplains. The Federation military was composed of both separate Bosniak (Muslim) and Croat (Roman Catholic) units, and integrated units; Muslim and Catholic chaplains were represented.

Foreign religious workers normally entered initially as visitors, since a tourist visa allows for stays as long as 3 months. Some apparently entered and reentered the country every 3 months, essentially extending their tourist status indefinitely. Missionaries officially were required to obtain a temporary residence permit from a Cantonal Ministry of Interior before their 3-month tourist visa expired. There were no reports of cases in which missionaries’ applications were refused.

Public schools offered religious education classes, which were mandatory for Serbs in Republika Srpska and, in theory, optional in other parts of the country. However, in practice they were offered only for students of the majority religion in that area, amid pressure on parents to sign their consent that their children needed to attend the religious instruction. Schools generally did not hire teachers to offer religious education classes to students of minority religions. In some cases, children who chose not to attend the religion classes offered were subject to pressure and discrimination from peers and teachers. Schools in Sarajevo offered only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically had the right to study non-Catholic religions; however, this option did not exist in practice. Orthodox symbols were present in public schools throughout the RS.

In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons.

On September 18, unknown perpetrators destroyed a mosque in Gacko with an explosive device.

The RS government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place, although there was slight improvement from previous years. The absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them were major obstacles to safeguarding the rights of religious minorities (*see* Section 1.e.).

In June an explosive device was thrown into the courtyard of a house belonging to a recent Bosniak returnee in Bijeljina. Police arrested a suspect, and an investigation into the incident was ongoing at year’s end. On December 7 in Doboï, hand grenades were thrown at a mosque and a returnee home. On December 24, Muamer Topalovic allegedly attacked a Bosnian Croat family in Kanjic for religious and ideological reasons. The attack followed the December 20 burning of the Mostar municipal creche, the December 19 bombing of the house of a Bosniak returnee near Bijeljina, the December 23 desecration of two Muslim tombstones in a graveyard in Prijedor, and the December bombings of two houses belonging to Bosniaks and a mosque in Doboï. Suspects were arrested in the creche burning incident. According to the U.N. High Commissioner for Refugees (UNHCR), a total of 17 violent incidents were directed at religious sites, including several in Mostar and Prijedor.

Because they were powerful symbols of religious identification and, therefore, ethnicity, clerics and religious buildings were favored targets of ethnoreligious violence. Most religious leaders severely criticized violence and nationalism, but their message was undermined by other clerics who continued to support nationalist causes and separatism. RS authorities frequently did not intervene to prevent the violent obstruction of efforts to rebuild some of the 618 mosques and 129 churches in the RS that were destroyed or significantly damaged during the 1992–95 war. Local police also did not conduct a serious investigation into several incidents. On October 21, fourteen persons were sentenced to 2 to 13 months’ imprisonment for their role in the most serious incident, involving riots at a May 2001 dedication ceremony for the Ferhadija Central Mosque in Banja Luka (*see* Section 1.a.). Administrative and

financial obstacles to rebuilding religious structures impeded the ability of minorities to worship and impeded their return in many areas.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides these rights, and freedom of movement, including across the Inter-Entity Boundary Line, continued to improve; however, some limits remained in practice.

Accurate statistics on displaced persons and refugee returns remained difficult to obtain, and statistics accounting for the age of returnees were not available. Various refugee organizations provided different estimates on the numbers of minority internally displaced persons (IDP) returns. UNHCR stated that there were 10,000 more minority IDP returns during the year than there had been in 2001.

Pressure from evictions, combined with an increased sense of security in most areas of the country and awareness that international assistance was limited, prompted the increase in returns. Thousands of returnees lived in sheds or improvised shelters in their former villages and towns, hoping for assistance in rebuilding their homes. According to UNHCR, between the end of the war in 1995 and the end of the year, 424,403 persons who left the country had returned. UNHCR reported that there were 102,111 registered minority returns countrywide, a substantial increase over the number of minority returns in 2001. By ethnic group, the returns were as follows: 40,716 Serbs; 49,378 Bosniaks; 10,898 Croats; and 1,119 others. Although the return figures were much less exact for those returning from other places within the country, UNHCR reported that 485,900 IDPs returned to their prewar homes between the end of the war and August.

There were some improvements during the year that facilitated returns. In January the High Representative promulgated the “Vital Interest” Decision, which provided a clearer accounting of Refugee Ministry budgets used to support return. In the RS, the Refugee Ministry followed the initiative begun in 2001 and supported the return of Bosniaks and Croats by providing reconstruction assistance to both of these groups. As of September, a total of 460 Bosniak and Croat families received such assistance. As of October, the RS Refugee Ministry had spent \$3.2 million (KM 6.4 million) on the initiative. The RS Refugee Ministry also agreed to provide reconstruction assistance to approximately 20 minority police officers returning to the RS, and deliveries were made to 18 of these officers as of the end of October. The increased number of ethnically integrated police forces helped improve the climate for returns, although security remained inadequate in some areas (see Section 5).

Serbs continued to return in greater numbers to the Federation. In October the Federation Refugee Minister, after some delay, paid funds promised for joint reconstruction and return projects. The town of Drvar, a previously Serb town which was “ethnically cleansed” during the war by Croats, was by year’s end again majority Serb, with a rate of compliance with property laws of 90.27 percent. In early June, the High Representative removed the hard-line Bosniak mayor of Donji Vakuf for obstructing the return of refugees and IDPs. The mayor had publicly opposed the return of Serbs. In December preparations were made for a plan to hand over the responsibilities of OHR’s Reconstruction and Return Task Force to the BiH government. Because no government was formed from the October elections by the end of the year, these plans were delayed.

Many problems remained that prevented returns, including: Hard-liners obstructing implementation of property legislation; political pressure for individuals to remain displaced in order to increase the ethnic homogeneity of the population in a specific area; societal violence; and the lack of an ethnically neutral curriculum in public schools. Lack of housing also contributed to the problem; the needs continued to far outweigh available resources. Municipal administration taxes on documents that are necessary for return, such as birth or land certificates, remained high. In addition, minority returnees often faced employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephones by publicly owned utility companies. All of these problems decreased from the previous year, yet still persisted in hard-line areas. In October members of the Federation Ministry for Refugees and Social Welfare were subjects of allegations of corruption; the High Representative determined that an audit of the Refugee Ministry’s budget needed to be undertaken. Auditors initially commented that fraud and misuse of funds were likely involved. The audit was ongoing at year’s end. The Federation Ministry was unable or unwilling to keep financial commitments in support of returns throughout the year, and this caused many IDPs, particularly Bosniaks, to remain displaced or continue living in deplorable conditions as a result of the Ministry’s failure to provide support.

The continued influence of ethnic separatists in positions of authority hindered minority returns. Government leaders in both the RS and the Federation often used a variety of tactics, including public statements, to inhibit the return of IDPs. Municipalities in the RS continued to allocate illegal land plots in areas such as Zvornik and Bratunac, in eastern RS, altering prewar demographics and intimidating potential returnees. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns, although efforts by hard-line Croats to resettle returning refugees in a manner that consolidated the results of ethnic cleansings ceased for the most part. IDPs living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently had been pressured to remain displaced, while those who wished to return had been discouraged, often through the use of violence (*see* Section 1.c.). These trends of intimidation for displaced persons to stay in their place of displacement decreased, although they were still practiced in the staunchest hard-line areas of the RS and Herzegovina.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned. Authorities encouraged postwar occupants of these apartments to begin purchasing them. In the meantime, the prewar owners of the apartments (former JNA officers) began filing claims to return to their property. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber, which decided that apartments owned by JNA officers should be returned. The return of apartments was scheduled to begin during the year. However, these apartments were not returned because the Federation did not take the necessary legislative action, and this problem remained unresolved at year's end.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. Attempts by returnees to receive compensation for jobs illegally lost during the conflict years were largely unsuccessful. As a result, most minority returnees were elderly, which placed a burden on receiving municipalities. Younger minority group members, who depended on adequate wages to support their families, generally remained displaced, especially in cases in which they had managed to find work in their new place of residence. Some reports described younger returnees going back to their prewar homes, but no adequate statistics existed to determine the age of returnees.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees. During April, May, and June the Ministry for Human Rights and Refugees carried out a reregistration process of all refugees from the Federal Republic of Yugoslavia (FRY). After the completion of reregistration the number of refugees from the FRY was 6,056. Of this number, 1,453 refugees were in collective accommodation, of which 960 refugees were from Kosovo (673 of these were Roma), 315 from Serbia, 75 from Montenegro, 57 from Macedonia, and a handful from Yemen and Russia. From Sandzak, there were 179 refugees. The Government provides first asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation. On October 5, the country held general elections, which were the first since the Dayton Peace Agreement to be administered and conducted by Bosnia and Herzegovina authorities. The previous six postwar elections were conducted by the OSCE. The Government assumed responsibility for the conduct of elections in August 2001 following the BiH Parliament's adoption of the country's first permanent election law. The Election Law contains provisions regulating almost all aspects of national, entity, cantonal, municipal, and local elections, including voter registration, certification of candidates, code of conduct for parties, campaign finance, media, and observers. The Election Commission passed a regulation on October 12 ensuring equal representation for political parties among polling station staffs. The October elections were the first in which all BiH and entity officers were elected for 4-year terms. In all previous postwar elections, Parliamentarians were elected to 2-year terms. In parliamentary races, the SDA polled strongly among Bosniak voters. The multiethnic Social Democratic Party (SDP),

which was the leading party in the previous government, experienced a substantial drop in support.

The Bosniak-nationalist Party for Democratic Action (SDA) and the Croat-nationalist Party Croatian Democratic Union (HDZ) remained powerful, particularly in Bosniak and Croat majority areas. The nationalist Serb Democratic Party (SDS) remained ideologically committed to Serb cultural and religious authority in the territory of the RS, where it won a significant plurality in the October elections.

The October elections were judged to be largely in line with international standards by the International Election Observer Mission, which was led by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The observer mission reported that the campaign environment was largely free of violence with few reports of intimidation. The local NGO network OKO, which deployed over 6,000 observers, assessed the elections as free and fair. Problems cited by observers included numerous voters unable to find their names on voter registers, group voting, and intimidation in a few cases. Voter apathy and low turnout, worsened by bad weather, were problems.

There were fewer instances of election-related violence than during previous election campaigns. In the early hours of September 19, an explosion destroyed the minaret of a recently reconstructed mosque in the eastern RS village of Kljuc (*see* Section 1.c.). RS Prime Minister Mladen Ivanic condemned the attack, but police had not yet made arrests at year's end. The bombing occurred during the election campaign, but it was unclear whether it was intended to heighten ethnic tensions prior to the election. Following a September 20 election rally of the SDS in Prnjavor, 10 young participants scattered building material while chanting nationalist slogans at a nearby building site of a mosque. The perpetrators ran away when police arrived, but two were apprehended and charged. Unknown assailants threw tear gas at participants in an October 1 rally in Mostar for the "Economic Block" coalition, a rival of the HDZ party.

Six months before the elections, the Constitutions of the country's two entities were amended to ensure equal status for the country's three main ethnic groups in entity governmental structures. The changes were mandated by the July 2000 "constituent peoples decision" of the Constitutional Court, which established the principle that the country's three main ethnic groups or "constituent peoples," Serbs, Bosniaks, and Croats, have equal rights in both entities. The most significant changes to the RS Constitution created the RS Council of Peoples; established two RS vice presidents who would be from different ethnic groups as the RS president; specified a formula for ethnic representation in RS ministerial positions; and required that the RS civil service reflect the prewar ethnic composition of the RS. The Federation Constitution was amended to add a Serb caucus to the Federation House of Peoples; specify a formula for ethnic representation in ministerial positions; and create a second vice presidential position, among other changes.

Political leaders from both entities negotiated the amendments in talks convened by the High Representative, finalizing the agreement on March 27. The RS National Assembly passed most, but not all, of the agreed amendments to the RS constitution. The Federation Parliament failed to pass any of the amendments. On April 19, the High Representative imposed the agreed amendments to the Federation Constitution and those amendments to the RS constitution not adopted by the RS National Assembly. In July Parliament amended the Election Law to reflect these changes to the entity constitutions. In March the High Representative issued a decision banning individuals removed from office by the OHR from running in the October election and likewise barring any party that maintained a removed individual in a central party position from being certified by the Election Commission. All three of the major nationalist parties were affected by this decision and were required to expel party members in order to be certified for the October elections.

A multiethnic local government administered the Brcko municipality as a district under the direct oversight of the Brcko supervisor. In the absence of new or adapted laws, the supervisor retained discretion as to which laws, Federation or RS, were to apply in Brcko. Brcko District has harmonized more than 60 new laws reforming the system of local governance, property, taxation, citizen participation, economic development, and judicial reform. Brcko's school system was the first fully integrated one in the country, and the police force was the first to achieve U.N. certification.

Election rules established by the OSCE for the 1998, 2000, and 2002 general elections required that at least 30 percent of political party candidates be women. The Election Law also contains this provision. These provisions increased the number of female representatives from 2 percent at the BiH and entity level and 5 percent on the municipal level in 1996 to roughly 20 percent of all elected positions during the year. However, in the BiH-level House of Representatives (lower house), only

6 of 42 deputies were female. By mid-October, delegates had not yet been appointed to the BiH-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures. In the Federation legislature, 18 of 98 deputies in the House of Representatives were female. In the RS National Assembly, 13 of 83 deputies were female, compared with 16 before the latest elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

International community representatives were given widespread, and for the most part, unhindered access to detention facilities and prisoners in the RS as well as in the Federation. The Law on Associations and Foundations allows NGOs to register at the national level and therefore to operate throughout the country without administrative requirements. The passage of this law in 2001 was a requirement for the country's admission into the Council of Europe. The law follows the general principle of voluntary registration and allows associations and foundations to engage directly in related economic activities. NGOs have registered at the national level to receive greater recognition from the international community, to show that they were not nationalist oriented, and to receive money from the Government once a new tax structure is put into place.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or categorical refusal. In contrast to the previous year, there were no major incidents of violence against international community representatives. Soon before the election, the SDA called on all media outlets to boycott polls of the National Democratic Institute because SDA felt that these polls were unfairly biased towards the SDP.

SFOR arrested numerous war crimes suspects during the year. At year's end, 24 arrest warrants remained outstanding, while 78 indictees had been transferred to the ICTY. There have been 129 indictments since the inception of the ICTY, 20 of which have been withdrawn, and 7 of which ended when the indictees died. Although the RS National Assembly passed a law on cooperation with the ICTY in September 2001, the RS has made no effort to arrest indictees. In the eastern RS, Foca and Pale remain under sanctions for their noncooperation with the ICTY. The two most wanted Bosnian war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS President Radovan Karadzic, remained at large. In December Karadzic's wife resigned from her position as head of the RS Red Cross under pressure from the International Red Cross.

The ICTY approved the detention and investigation of five former RS police officers for their involvement in the disappearance of Father Matanovic in 2001 (see Section 1.a.), and their case was transferred to the domestic judicial system. In addition, the Minister of Interior suspended ten active RS police officers because the RS investigative team (approved by the IPTF) had identified them as suspects. The investigative team sent its report identifying these suspects, along with 11 former RS police officers who were also suspects, to the ICTY and was awaiting clearance from the ICTY for these cases to be transferred to the domestic judicial system. The Human Rights Chamber considered the RS to have fully complied with its 1997 order to conduct a full investigation into the disappearance of Father Matanovic, but the investigation had not resulted in any convictions by year's end. In general the BiH judicial system remained unprepared to prosecute war crimes cases domestically, although there was political will to do so. Successful prosecution of these cases will require financial support and training from the international community.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, persons responsible for the up to 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in the country (see Section 1.b.).

In October the trial began in the ICTY against Slobodan Milosevic, the former President of Serbia and Montenegro (Yugoslavia), who was arrested in 2001 in the former Republic of Yugoslavia by Yugoslav police. Milosevic had 66 charges against him for alleged crimes against humanity in Croatia and Kosovo, and genocide in Bosnia and Herzegovina during the 1990s. However, his poor health, reportedly due to high blood pressure, halted proceedings a number of times during the second half of the year. By year's end, the case remained pending. If convicted of any single charge, Milosevic could be sentenced to up to life imprisonment.

In November the ICTY sentenced Bosnian Serb Mitar Vasiljevic to 20 years in prison for the shooting of five Muslims in Visegrad during the war. In December Biljana Plavsic, the former deputy to former Bosnian-Serb leader Radovan Karadzic, pleaded guilty before the ICTY on one count of persecution on racial, religious, and political grounds. Plavsic was the highest-ranking Serb leader to have admitted to crimes against humanity committed during the conflict in Bosnia and Herzegovina. Reaction in the RS to the Plavsic plea was indicative of the RS attitude towards the ICTY, which it regarded as an illegitimate, political tribunal. By contrast, the Federation generally has cooperated with the ICTY. At year's end, no sentence had been announced, but judges said that Plavsic could remain provisionally released.

The ICTY during the year issued six convictions and no acquittals. This brought the number of convictions to 29 since the ICTY's inception.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (*see* Section 1.e.). The Ombudsman may investigate allegations of human rights abuses either on his or her own initiative or in response to any party, or may refer matters to the Chamber. The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson remained high. Citizens continued to turn to these institutions to redress human rights violations after national institutions and domestic courts failed to provide an effective remedy. The RS improved its compliance with Human Rights Chamber decisions during the year, and the Federation continued to implement most decisions issued by the Chamber (*see* Section 1.e.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

In the Dayton Accords, the parties agreed to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority, and these principles were codified broadly in the BiH Constitution, and specifically in the entities' Constitutions; nevertheless, there were many cases of discrimination.

Women.—Violence against women, including spousal abuse and rape, remained a widespread and underreported problem. A report by the International Helsinki Federation for Human Rights in 2001 estimated that approximately 30 percent of women in the country were victims of domestic violence. However, there was little data available regarding the extent of the problem, and women's organizations such as Women for Women were concerned that abuse was more widespread than reported. Throughout the country, rape and violent abuse are considered criminal offenses, and laws in both the Federation and the RS prohibit rape. Spousal rape and spousal abuse also are illegal in the Federation and the RS. However, domestic violence usually was not reported to the authorities; a sense of shame reportedly prevented some victims of rape from coming forward to complain to authorities.

Police received specialized training to handle cases of domestic violence, and each police administration had its own domestic violence focal point. Nonetheless, there were reports of police inaction in cases of domestic violence and sexual assault. The S.O.S. Phone Service, a 24-hour hot line open to victims of domestic violence for assistance and counseling, began during the year. Centers for abused women operated in the Districts of Brcko, Bihac, and Sarajevo.

Trafficking in women for purposes of sexual exploitation was a serious problem (*see* Section 6.f.).

There are no laws prohibiting sexual harassment within any governmental units. However, some private and governmental organizations included rules against sexual harassment in their contracts or employee manuals.

There was little legal discrimination against women, and women served as judges, doctors, and professors; however, a male-dominated society continued to prevail in both entities, particularly in rural areas, and few women were in positions of real economic or political power. Women have been discriminated against in the workplace in favor of demobilized soldiers. A small but increasing number of gender-related discrimination cases were documented. Anecdotal accounts indicated that women and men generally received equal pay for equal work at socially owned enterprises but not always at private businesses. Women are legally entitled to 12 months' maternity leave and may not be required to work more than 4 hours per day until a child is 3 years old. A woman with underage children may not be required to perform shift work. However, women in all parts of the country encountered problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers.

Women were still underrepresented in law enforcement agencies, although progress continued. According to guidelines for accreditation, police forces should allocate 10 percent of their positions for qualified female candidates. Most units had

about 3 to 4 percent, although some had as many as 6 to 7 percent. Several recent graduating classes from Bosnian police academies contained up to 80 percent women.

Children.—The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. Nevertheless, social services for children were in extremely short supply. Children with disabilities lacked sufficient medical care and educational opportunities.

Education was free and compulsory through the age of 15 in both the Federation and the RS. However, a lack of reliable statistics as to attendance and level of school completed hindered efforts to ensure that all school age children received an education. The most serious problem was the ethnic division of educational opportunities. Students in minority areas frequently faced a hostile environment in schools that did not provide an ethnically neutral setting. At times minority children were barred from attending school. Local education officials excused such abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms. At the elementary and secondary school level, Canton governments in the Federation and the central Ministry in the RS politically pressured school directors. Several schools were directed by hard-line political figures. The lack of financial resources also led to teacher strikes in the RS and in individual cantons in the Federation.

Officials took steps during the year to integrate minority students into some schools. On March 5, the Ministers of Education in the Federation and RS signed the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children. A number of specific benchmarks were later elaborated, as part of the November Education Reform Strategy presented by the BiH government at the Peace Implementation Council in Brussels. Senior officials in both entity ministries have been engaged, through an Implementation Coordination Board and in cooperation with international community oversight and support, in removing barriers to education access for returnee children.

Nonetheless, in many instances compromises fell far short of actual integration (such flawed measures included maintaining separate teaching lounges, separate student entrances and classrooms, and even separate floors). In many cases, students and teachers of different ethnic groups shared the same school building, but they attended class on different floors or used the facility in shifts without ever actually interacting with other students or teachers of a different ethnic group. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education (*see* Section 2.c.). In the RS, non-Serb teaching staff at elementary and secondary school levels comprised only 3 percent of all teaching staff. In the Federation, minority teachers comprised between 5 and 8 percent of all teachers, depending on the Canton. Romani children may attend schools in all areas of the country, although attendance was low due to pressure from within their community. In a small number of cases, local communities attempted to discourage Romani children from attending their schools.

The full integration of elementary and high school classrooms in the Brcko District continued to be successful. The Brcko District government implemented full integration at the high school level for the 2001–02 school year, using a harmonized school curriculum for all teachers. So-called national subjects (language, history, and music) were offered separately as afternoon “elective” classes, but materials that could be hateful or offensive to others were eliminated. Language questions were resolved by using both Latin and Cyrillic script, and by requirements that teachers not penalize students for lexicon or grammar usage identified more with one language variant than another. In the area of civic education, the new course on “Democracy and Human Rights” was fully implemented in high schools in all areas of the country, using the first truly joint curriculum. The course was developed by donors and international organizations working closely with Bosnian educators and was officially accepted by the Canton and entity-level Education Ministries and the Brcko District Department of Education.

Medical care for children in the Federation was controlled solely at the Canton level. Therefore, whether or not a child receives any medical care from the Government depended on the budget of the Canton in which they lived. If they lived in an affluent Canton, then they received better medical coverage, and if they lived in a less affluent Canton, the level of medical coverage provided was diminished. When medical care was available to them, boys and girls received equal coverage. Medical care for children in the RS was controlled at the entity level (RS Ministry of Health). Children up to 15 years of age were entitled to medical care free of charge under the law. However, in practice, unless they had medical insurance paid for by

their parents, children often did not receive medical care free of charge. There was no discrimination between boys and girls concerning medical care.

There was no societal pattern of abuse against children. Nonetheless, children continued to suffer disproportionately from the societal stress of the postwar era. According to statistics released in October by the Ministry for Human Rights and Refugees, 118,785 of the 553,419 displaced persons from the country were children. Three hundred of the 1,225 victims of mine incidents since 1996 have been children, according to the ICRC.

Trafficking in girls for the purpose of sexual exploitation was a problem (*see* Section 6.f.).

Persons with Disabilities.—The Federation government is required by law to assist persons with disabilities to find employment and to protect them against discrimination. In the RS, the law also prohibits discrimination against persons with disabilities. However, there were few jobs available, and thousands of newly disabled persons entered the job market after the war; as a result, the vast majority of persons with disabilities were unemployed.

Public institutions for persons with disabilities generally met minimum standards, although most lacked suitable funding. In some cases the facilities were less than minimal; for example, a Federation transit center in Bosanska Petrovac housing 40 disabled returning refugees from Hungary spent September and early October without electricity or adequate means of support. The legal status of institutions for persons with disabilities was not resolved following the breakup of the former Yugoslavia. As a result, local and entity governments have no legal obligation to finance such institutions, and they operated only with BiH-level government and international donations. A number of international NGOs assisted persons with disabilities in the country.

There are no legal provisions mandating that buildings be made accessible to persons with physical disabilities, and in practice buildings rarely were accessible to persons with disabilities.

National/Racial/Ethnic Minorities.—“Ethnic differences” were used to justify the war and remained a powerful political force in the country. Although some politicians still supported the concepts of a “Greater Serbia” and a “Greater Croatia,” mixed communities existed peacefully in a growing number of areas, including Sarajevo and Tuzla. However, nationalist Bosnian Serb and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own ethnicity from returning to their prewar homes if they would be in the minority there. Although the new RS government officially supported the right to return, it continued to obstruct returns on many levels. For example, the allocation of illegal land plots to Bosnian Serbs went on unhindered, particularly in Bosanski Brod and in Zvornik (and in the eastern RS in general). Authorities also closed collective centers and used the war veterans’ budget to relocate people in the municipality of their displacement.

In some cases, opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. For example, on January 7, unknown assailants threw a hand grenade at the house of a Bosniak in Trebinje. It was the second such incident in an 8-month period at this house, although the second attack caused only minor damage. On February 11, in two separate incidents, unknown assailants threw explosive devices into the apartment of a Serb returnee and threw another at a nearby Serb returnee house being reconstructed in Mostar. No casualties were reported. On March 16, a bomb was thrown at a mosque in Bosanska Dubica in which there was significant material damage but no casualties. In March a Catholic cemetery was destroyed in Mostar. Three explosions occurred in one night in the village of Koraj, near Bijeljina in April; all of the explosions occurred near a newly reconstructed mosque scheduled to open only days later. In Bijeljina unknown perpetrators caused severe destruction to the Islamic Community Center in an explosion on May 16. On May 11, a group of Serb extremists destroyed the house of a 76-year-old Bosniak returnee in Modrica. On June 4, a bomb was thrown into the courtyard of a Bosniak returnee’s home in Milici. In early September, unknown perpetrators used an AK-47 to shoot at Serb returnee houses in Klepci, Capljina. There was damage to the house facades, and there were broken windows on five houses, although no casualties were reported.

A short flurry of violent acts occurred prior to the October 5 national elections in Capljina, Prijedor, and Bijeljina. On September 9, basketball fans in Bijeljina broke out windows on ten buildings after the victory of the Yugoslav basketball team. Allegedly supported by local police, they drove through Bosniak returnee areas singing nationalist songs, randomly shooting, and smashing windows of

Bosniak stores and houses. A similar incident occurred in Kozorac, Prijedor, where groups of persons in a convoy of more than 40 cars verbally threatened, shot at, and damaged approximately 5 businesses and residential premises. The group injured an elderly Bosniak man and removed and burned the religious flag at the Islamic Center. A few days prior to the national elections, unknown persons planted an explosive device in a newly reconstructed mosque in Kljuc, destroying the mosque's minaret.

On December 24, Muamer Topalovic allegedly attacked a Bosnian Croat family in Kostajnica for religious and ideological reasons. In the attack Adjelko Andjelic and his two daughters were shot and killed. Andjelic's son was also severely injured in the attack. Topalovic was reportedly a member of the Wahhabi-influenced Islamic group, Active Islamic Youth, and also had ties to a Saudi-financed Islamic NGO, Dzemijetel Furkan (Al-Furkan). A number of political figures condemned the act, including some high-level figures in the country's Islamic community. The Kostajnica attack followed several other December attacks on homes and religious establishments of varying ethnicities, most of which remained unpunished (*see* Section 2.c.).

In addition, while incidents of violence decreased overall in the country, follow-up investigations in a number of cases were problematic, and police consistently failed to apprehend offenders.

Authorities began to deploy minority officers in areas with minority returns; however, the lack of housing for returning police officers hindered this process. The RS Ministry of Refugees committed to provide reconstruction material to a total of 20 Bosniak minority police during the year. Eighteen packages had already been delivered by year's end. NGOs provided the majority of this assistance, but the RS assistance was an improvement over last year. In Prijedor 42 of the 747 area police officers were Bosniak, and a number of senior positions were set aside for Bosniaks.

All Federation Canton governments have agreed to an ethnically mixed police force in principle; however, many Cantonal governments continued to resist integration in practice. The Neretva (Mostar) Canton was an exception; the Interior Ministry in this Canton made significant progress in unifying the police force, including co-locating offices, shedding Croat nationalist insignia, and unifying portions of the budget under its direct control. In other cantons of Herzegovina, there has been far less progress in depoliticizing the police forces. Although Western Herzegovina (Livno) Canton hired significant numbers of police from among Serb returnees in several municipalities, Croat nationalists still dominated the command structure and budget process. A Serb appointed in late 2001 as police chief in the town of Drvar resigned in September. Both the Livno and Siroki Brijeg Cantons failed to remove Croat nationalist insignia from police uniforms, and they continued to fly Croat nationalist flags on police and Interior Ministry buildings. On the other hand, due to IPTF pressure, Livno's Interior Ministry began flying the Federation flag, alongside the Croat nationalist flag, in September. (Drvar had already begun flying the Federation flag.) Drvar was also the site of an incident involving the destruction of a Catholic cross, allegedly by local Serbs, but police reinforcements from Livno defused the situation without any violence.

Police in the RS generally did not meet target standards of ethnic representation, as mandated by various agreements. An interentity agreement negotiated under U.N. auspices allows the voluntary redeployment of officers across entity lines to redress ethnic imbalances. There were over 1,600 minority police throughout the country by year's end. This represented approximately 10 percent of the total police force. In general, while new officers were accepted into the police academies under strictly observed ethnic quotas, it will take years of concentrated effort to establish effective, professional multiethnic police forces throughout the country.

Despite improvements in some areas, harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, and assaults (*see* Sections 1.c. and 5.).

Refugees returning to visit homes in the RS were harassed and subjected to violence. This occurred in Herzegovina as well, but improvements were noticeable.

Incidents of violence against all ethnic groups decreased due to improved security and freedom of movement, but other forms of discrimination did not. In particular, discrimination in employment and education remained key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where they had been employees. Favoritism was also shown to veterans and families of those killed during the war. However, in general the dual budget structure for public employees was eliminated; employees were paid out of the same budget at the same time during the year.

A Joint Council of Europe/OSCE-ODIHR report issued in June identified a number of problems regarding the social situation, discrimination, and human rights violations faced by the country's 40,000 to 60,000 Roma, such as limited access to health care and education, poverty, and weak legal status. Large segments of the Roma population were unable to substantiate their citizenship claims. Only a tiny number of Roma children and youth were enrolled at educational institutions; only a small number of Roma adults were in full time employment; and in spite of dire need, Roma were often denied social support. Nearly all Roma in the RS were expelled from their property during the war; very few have been able to reclaim it. These displaced Roma, as well as Roma in the Federation who have lost their property because of the ravages of war, lived in makeshift dwellings on abandoned property. Conditions for some were extremely poor, and many relied on begging to subsist. The situation was further complicated by the lack of relevant data on Roma. The Roma continued to be marginalized during the year, and neither the Federation, the RS, nor the BiH Ministry of Human Rights and Refugees took steps to assist the Roma population.

While Roma faced problems that many others in the country faced, they had far fewer social and charitable organizations interested in helping them, and faced widespread discrimination. However, some international NGOs began reconstruction programs for Roma. A lack of formal title to land in some instances greatly delayed these projects. There had been no reconstruction assistance by either the Federation or the RS for Roma by year's end.

Section 6. Worker Rights

a. The Right of Association.—The Constitutions of the Federation and the RS provide for the right of workers to form and join unions, as do labor laws in both entities. There are no legal restrictions on who may join unions, and the right of minority workers to join unions is protected in both entities. However, in practice union membership in the RS was overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats had informal labor organizations in areas where they were the dominant ethnic group, but generally they were represented by the Federation union. A joint-entity multiethnic union was established in the district of Brcko in 2000. Union membership was mandatory for officially employed workers in the RS; in the Federation, approximately 70 percent of the official workforce was unionized.

Unions are legally independent of the Government and political parties; however, they were highly politicized. There are no legal restrictions on forming new unions; however, in practice one union confederation in each entity represented all workers. The Federation-level confederation of trade unions has been successful in keeping the support of the sector unions. In the RS, the sector-based branches of the union confederation became increasingly independent, and one branch successfully broke off from the umbrella organization. The BiH-level Law on Associations was passed during the year, and as a result there are no legal obstacles for the creation of unions at the BiH level. The country has three labor laws in each of the two entities and in the Brcko district; the Federation union confederation has submitted a draft state-level labor law to the BiH Parliament, but it had not yet been considered by year's end.

In 1999 the Government was found to be in violation of ILO Convention 111 (on employment discrimination) and 158 (on termination of employment) because of its failure to act in the case of workers at the Soko company and at Aluminij Mostar who were dismissed during the war because of their non-Croat ethnicity. In 2000 the Federation government negotiated with Soko to employ former workers of other ethnicities, but since then the company has hired no additional workers. Aluminij Mostar protested the ILO ruling, arguing that it did not have the opportunity to respond to the union complaint. After negotiations between the Federation government and the management of Aluminij Mostar failed, the World Bank offered to arbitrate the dispute and privatize the factory. While Aluminij agreed in principle to the arbitration, the Federation did not, and the process of negotiating the terms of the arbitration had not begun at year's end. The decision of the international arbitration will be binding.

In 2000 both the Federation and the RS passed comprehensive labor legislation as part of loan conditions established by the World Bank and the International Monetary Fund; however, the existing legislation still must be improved and harmonized with the other related laws in order to regulate other kinds of service and seasonal contracts.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards. However, this kind of discrimination continued.

Unions are free to form or join federations or confederations and affiliate with international bodies; however, no unions did so in practice.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective bargaining agreement in the Federation; however, collective bargaining rarely was used. In addition, the collective bargaining agreements appear to apply only to public sector and government-owned enterprises, leaving private businesses uncertain about their status under the general collective bargaining agreements. However, the BiH Association of Employers was recently established to address this problem. The Socio-Economic Council was established in the Federation in September to improve existing labor legislation and encourage job creation. The Council was made up of representatives from trade unions, the Federation government, and the Association of Employers.

The substantial number of government employees, particularly in the RS, permitted the Government to remain highly influential in determining the overall level of wages in each entity.

Unions have the right to strike. They have used this right to press for payment of overdue salaries or wages; protest or demand changes in management; and voice their opinion on economic reform and government policy. Protest was often the only way to compel the payment of salaries and wages. Most strikes were legal; however, in an attempt to avoid negotiations, the Government claimed that some were illegal, on the grounds that they were not announced the required 48 hours in advance. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited. There were several major strikes during the year, including those by factory workers and teachers, due to arrears in salaries of several months or more, or to protest the unsuccessful privatization of large factories. Courts continued to hear labor disputes.

In Tuzla strikes were more frequent than in other cities, but they were typical of the labor movement in the country. Chemical workers in Tuzla have been on strike almost continuously for 2½ years, demanding payment of their social contributions. The strikes were disorganized and unstrategic. On July 4, a few thousand chemical workers tried to disrupt traffic at the city's main intersection, but their numbers quickly dwindled to a few hundred. Elementary school teachers in Tuzla went on strike in January and June to protest 2 months' unpaid wages but were unsuccessful in getting their demands met. Unions in the country were fragmented into sectors and divided along ethnic lines, weakening their potential impact. Unions had little experience in conducting effective strikes or bargaining negotiations. Workers often were left to organize themselves at the level of the company. Workers were afraid to strike for fear of losing what few social benefits they received from the companies.

There were 11 special economic areas called Free Zones in the country, for the purpose of manufacturing and related services, where customs duties did not have to be paid. There were no special laws or exemptions from regular labor laws in these zones, and workers' rights were not restricted.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children. However, Roma children were often seen begging on city streets (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children in the Federation and in the RS is 15 years. The Law on Labor prohibits children from performing hazardous work, such as night work. While it was unclear how strictly these laws were enforced, they reflected strong cultural norms against child labor that effectively discouraged the practice in the country. Although child labor was not known to be a problem, children sometimes assisted their families with farm work and odd jobs. Romani children were often seen begging on the streets in Sarajevo.

The country has not signed the ILO Convention 182 concerning the worst forms of child labor. There were no social programs to prevent the engagement of children in exploitative child labor.

e. Acceptable Conditions of Work.—The minimum monthly wage in the Federation was \$100 (200 KM); in the RS it was \$32 (65 KM). Neither minimum wage provided a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions. Employees are required by law in both entities to make mandatory contributions to social funds. In total, the contribution paid on each monthly salary was 68 percent in the Federation and 50 percent in the RS. Employers did not officially register their employees in order to avoid paying high social welfare benefits.

The legal workweek is 40 hours under both Federation and RS entity law; however, "seasonal" workers may work up to 60 hours per week. The laws of both entities require that employers pay overtime to employees. Overtime is limited to 20 hours (10 mandatory and 10 voluntary) in the Federation. In the RS, overtime was limited to 10 hours, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Rules regarding rest and vacation varied, although typically no vacation was granted during the first 6 months of employment, and 18 days per year were granted after that period. In practice, employers at times granted additional vacation days to workers.

Occupational safety and health regulations generally were ignored because of the demands and constraints imposed by an economy devastated by war. At year's end, neither entity had completed passage of new laws to enforce international worker rights standards. Workers could not remove themselves from hazardous working conditions without endangering their continued employment.

f. Trafficking in Persons.—There are no uniform laws that specifically prohibit trafficking in persons, and trafficking in women and children for sexual exploitation was a serious problem. The country was a destination and transit point, and to a lesser extent a country of origin, for women and girls trafficked for sexual exploitation; men were trafficked for forced labor. The country was extremely vulnerable to trafficking in persons, because of weak laws, porous border controls, and corrupt police who were bribed easily and facilitated trafficking. There were reports that police and other officials were involved in trafficking. The presence of thousands of foreign civilians and soldiers in the country was an additional factor adding to the problem. In April the country ratified the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

A UNHCR official in Sarajevo commented publicly in June that Bosnian authorities had intensified their efforts to combat trafficking. However, in an earlier public conference, an executive of LARA, a local NGO, criticized the Government for insufficient action to prevent and cut off "secret channels of trafficking." Based on a National Action Plan adopted in 2001, a BiH-level commission was established to coordinate antitrafficking efforts. At the initiative of the commission, the Council of Ministers endorsed a budget for antitrafficking trafficking activities, under the BiH Ministry of Human Rights and Refugees. The new BiH Criminal Code contains a provision aimed specifically at human trafficking, but it was still in parliamentary process at year's end. This new provision mandates up to 10 years in prison for violators. The BiH Code is expected to be replicated by both entities in the future, although the RS already has a rudimentary antitrafficking provision, which has been applied in a few cases. The Federation also introduced an aggressive antitrafficking provision of its own, which remained in parliamentary procedure at year's end. If enacted the law would stipulate sentences of up to 10 years in cases involving adult victims and up to 15 years for those under 21.

In April the BiH Council of Ministers, both entities, and the Brcko District agreed to form the country's first nationwide interagency investigative task force to combat organized crime. The group includes prosecutors, police, and financial investigators; it specifically targets trafficking and illegal migration. Since the task force began its work in the summer, its investigations have already led to prosecution and conviction of one trafficking kingpin, sentenced to 1 year and 6 months in prison by the Brcko District court for promoting prostitution.

An U.N.-brokered regional interministerial committee coordinated some antitrafficking and other law enforcement operations. Local authorities also continued other antitrafficking operations, including the IPTF-initiated Special Trafficking Operations Program (STOP) and "Operation Mirage," a two week long series of police raids and border inspections in September, coordinated with other Southeast Europe Cooperation Initiative member states. Since the STOP program began in July 2001, police made 706 raids and interviewed 2,074 women, 224 of whom sought assistance. IPTF sources stated that there were 85 convictions on charges linked to these raids. During Operation Mirage, authorities raided 60 bars and interviewed 212 women. As a result, trafficking charges (based on the RS Code) were filed against two individuals, and two nightclubs were shut down for tax violations. At year's end, the STOP program ceased; however, the EUPM continued its own version of the program. This version was scaled down due to lack of personnel and funding. EUPM has placed more emphasis on quality rather than quantity. Local police involvement was much more strongly advocated. EUPM involvement in actual operational and organizational issues was expected to be in an advisory capacity to the local police teams.

Seven women requested assistance offered by NGOs. In February the U.N.'s Joint Entity Task Force, along with the State Border Service, caught five suspects smuggling women in Bijeljina and Dobo. In April a Sarajevo court sentenced one known

trafficker to 2½ years in prison. Another bar owner in the same case received a 2-year sentence. In May RS authorities charged 11 nightclub owners with a variety of crimes, including promoting prostitution, forgery, and tax fraud.

Law enforcement experts and international monitors have observed a decline in results from raids such as those mounted by STOP teams or Operation Mirage. This modus operandi became well known to nightclub owners and traffickers, who reacted by going further underground and coaching women on what to tell police.

Prosecutors and police were critical of local judges, asserting that they gave lenient sentences to traffickers or simply dismissed charges. They also cited the continued inadequacy of legal codes, particularly the lack of adequate asset seizure laws or witness protection programs. However, the adoption of the new Criminal Code, the Criminal Procedure Code, money laundering provisions and other laws was expected to improve significantly the capability of the criminal justice system to deal with organized crime. Other programs initiated during the year, such as judicial reappointment and vetting by the HJPC were expected to reinforce judicial accountability (*see* Section 1.e.).

Estimates of the number of trafficked women were not statistically reliable and varied considerably. From data collected by the United Nations Mission in Bosnia and Herzegovina (UNMiBH) and International Organization for Migration (IOM), it was estimated that during the year there were roughly 3,000 women engaged in prostitution in the country, of which some 25 to 30 percent were thought to be victimized through coercion or deception. Between 10 and 15 percent of victims were under 18. In coordination with the IPTF, local police began in July 2001 a sustained campaign of raids on suspect nightclubs and other establishments. As of autumn, police units had interviewed 2,074 women, of whom 224 sought assistance. From January to October, IOM assisted 188 women, 126 of whom sought repatriation.

Over 90 percent of trafficked women in the country came from Moldova, Romania, and the Ukraine. A significant number may have transited on to western Europe, but no reliable estimates were available. According to IOM, most victims reported being lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, waitresses, and domestic servants. Most trafficked women entered the country through Serbia-Montenegro. Those who transited the country continued via Croatia. The country had not generally been considered a country of origin for trafficked women, but IOM reported Bosnian victims in other parts of Europe, while local NGOs observed some Bosnian victims within the country.

The perpetrators of trafficking of persons came from a variety of backgrounds, including freelance operators, local crime gangs, and large international organized crime syndicates. Some employment, travel, and tourist agencies also fronted for traffickers.

In the country, trafficked women most often worked in nightclubs, bars, and restaurants that were fronts for brothels. During the year, the U.N. identified about 290 suspect establishments in the country. However, as local police and STOP teams continued their activities, some traffickers moved their operations to private residences or began moving them around to evade arrest. Victims reported working in conditions akin to slavery, with little or no financial support, coerced by intimidation, seizure of passports, withholding of food and medical care, and even physical and sexual assaults.

There were continued reports of police and other official involvement in trafficking, especially at the local level. Local officials in some areas allowed foreign women to work in bars and nightclubs with questionable work and residence permits. According to Human Rights Watch, a number of police officers received free services from brothels with trafficked women in exchange for their complicity. Law enforcement officials in both entities asserted that they reduced the number of foreign citizens working in bars. An RS Interior Ministry official said in June that the number of foreign female bar employees with valid work permits was down to 51, compared with 470 a year previously. Nonetheless, there were reports that visas were issued improperly at the country's embassies in the region. Local police failed to act against suspect establishments, and some police officers even warned bar owners of impending raids. Low salaries appeared to perpetuate the problem, while police officers who refused bribes were threatened. Even when police did their jobs properly, many cases were dismissed in local courts or suspected traffickers released.

The establishment of police procedures and professional standards units in connection with the accreditation process provided grounds for more decisive action (*see* Section 1.c.). The Central Bosnia Canton Interior Ministry fired several police officers for ties with traffickers, including the head of a local anti-trafficking unit; that individual received a 1-month prison sentence. Human Rights Watch reported that by October, UNMIBH had denied certification to 26 local police officers as a result

of trafficking-related investigations. In that same context, the Interior Ministry placed 25 police officers under investigation. Two officers in Brcko were also fired because of links to traffickers. During a raid on a Sarajevo bar believed to be part of a network of establishments involved in trafficking women, 10 SFOR soldiers were detained. Furthermore, some international observers have asserted that individual members of the IPTF have been customers of trafficked women, and that whistle-blowers of this information within the IPTF have faced retaliation.

During the year, IOM managed two long-term shelters where victims received medical attention, counseling, and assistance in repatriation. It also had six safe houses in various parts of the country, augmented by two additional safe houses run by local NGOs. Police protection was provided for the shelters. Despite these programs, IOM and other sources reported that fewer victims sought assistance during the year, and that shelters were not fully utilized. NGO employees reported that women told them categorically that they did not trust local police and feared traffickers would not hesitate to pursue them if they left. With international assistance, local authorities and NGOs cooperated more to assist and protect victims. For example, the Ministry of Human Rights and Refugees backed a controversial proposal to allow women to be placed involuntarily in shelters if there were indications that they were trafficking victims. Under normal procedures, they could not be detained unless charged with a crime.

Local NGOs and media focused more attention on the human costs of trafficking, as well as the responsibility of the authorities to combat the problem. Newspapers reported frequently on law enforcement actions against traffickers, as well as allegations of involvement by police.

BULGARIA

Bulgaria is a parliamentary republic ruled by a democratically elected government. A coalition government headed by former King Simeon Saxe-Coburg took office in 2001 following the victory of his National Movement Simeon II (NMS) party in parliamentary elections that observers agreed were generally free and fair despite some media irregularities. The governing coalition consisted of the NMS and the mainly ethnic Turkish Movement for Rights and Freedoms (MRF). A predominantly ethnic Roma political formation, the EuroRoma party, was an electoral partner of the MRF and thus was technically a member of the governing coalition, although it had no representatives in the Cabinet or the National Assembly. In January, following presidential elections, Georgi Purvanov of the Bulgarian Socialist Party (BSP) began his 6-year term. The Constitution provides for an independent judiciary; however, the judiciary suffered from corruption and continued to struggle with structural and staffing problems.

Internal security services were the responsibility of the Ministry of the Interior (MOI) and included the National Police, the National Service for Combating Organized Crime, the National Security Service (civilian domestic intelligence), the National Gendarmerie Service (paramilitary police), and the Border Police. Although government control over the police improved, it still was not sufficient to ensure full accountability. The Special Investigative Service (SIS), which provided investigative support to prosecutors on serious criminal cases, was a judicial branch agency and therefore was not under direct executive branch control. The media reported that the public order services, such as the National Intelligence Service (NIS) and National Bodyguard Service (NBS), were not subject to adequate judicial, executive, or legislative oversight of their activities or budgets. Some members of the police committed serious human rights abuses.

The country, with a population of approximately 7.9 million, was in transition from an economy dominated by loss-making state enterprises concentrated in heavy industry, to one dominated by the private sector. Approximately 80 percent of state assets destined for privatization already have been sold. Principal exports were agricultural products, tobacco products, chemicals and metals, although light industry—including textiles and apparel—was growing in importance. During the year, gross domestic product (GDP) growth was 4.4 percent, and the inflation rate was 3.8 percent. The private sector accounted for approximately 61.3 percent of GDP. Persistent high unemployment was a problem.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Members of the security forces were responsible for one killing during the year. Security forces commonly beat suspects and inmates and beat and mistreated minorities. Arbitrary arrest and detention were problems. Security forces harassed, physically abused, and arbitrarily arrested and detained Romani street children. Problems of accountability persisted and inhibited

government attempts to address police abuses. Conditions in many prisons and detention facilities were harsh. There remained some instances of prolonged pretrial detention, although the Government continued to improve its performance in preventing periods of pretrial detention from exceeding the statutory limit of 1 year. The judiciary was underpaid, understaffed, and had a heavy case backlog; corruption of the judiciary was a serious problem. The Government infringed on citizens' privacy rights. The Government restricted freedom of the press and limited freedom of association. The Government restricted freedom of religion for some non-Orthodox religious groups. Societal discrimination and harassment of nontraditional religious minorities persisted, but were less frequent than in the previous year. Constitutional restrictions on political parties formed along ethnic, racial, or religious lines effectively limited participation in government for some groups. Violence and discrimination against women remained serious problems. Conditions for children in state institutions were poor, and because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Roma and children with mental disabilities. There was some discrimination against persons with disabilities. Discrimination and societal violence against Roma were serious problems. Child labor was a problem. Trafficking in women and girls was a serious problem, although the Government took steps to address it. Bulgaria was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings. However, there were three reported killings by security services, compared with eight such killings in 2001.

On February 17, 26-year-old Seval Sabakhtin Rasim died while in custody of the border police near Sladun, Svilengrad municipality. He was apprehended, together with 25 other persons of Afghan and Iranian origin while attempting to enter the country illegally from Turkey. While police transported Rasim to the detention facility in the village of Sladun, he reportedly tried to escape from the border police patrol and was chased and recaptured. Police reportedly beat Rasim severely; he later died from his wounds. Following the military prosecutor's investigation, several police officers were charged in the killing. One border police officer was reprimanded, while two sergeants were reassigned. In the other two cases, involving the deaths of Jordan Asenov Yankov and Radka Koleva Markov, authorities found insufficient grounds for prosecution, according to the Military Prosecutor's office.

The Ministry of Interior Act permits law enforcement officials to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes were minor. Law enforcement officers also may use firearms to stop the escape of a person who has been arrested for any crime.

In March a three-member panel of the Sofia Military Court acquitted two police officers who had been accused of inflicting injuries on Milotin Mironov, also known as Mehmet Myumyun, who died in police custody in 2001. Reportedly, two reliable witnesses could not be located by the Ministry of Interior despite a nationwide search. This resulted in the court's inability to consider potentially relevant evidence. Mironov's relatives stated that they would appeal.

There were no reported developments in the cases of officers charged in the 2001 killings of Sevgin Asan and Dimitur Dimitrov. In April the police officer responsible for the 2001 death of Eleonora Dimitrova was fired.

There were unconfirmed reports that the police chief of Blagoevgrad aided and abetted the July 21 killing of alternative synod Orthodox priest Stefan Kamberov (see Section 2.c.).

Five men remained on trial at year's end for the 1996 killing of former Prime Minister Andrey Lukanov. A hearing for two of the defendants scheduled for July 22 was rescheduled because the defendants had been severely beaten while in custody prior to the hearing. The police claimed that the two had tried to escape and had attacked a police sergeant (see Section 1.c.). The other three defendants remained free on bail at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police commonly beat criminal suspects, particularly members of minorities, at times to extract false testimony. Security force personnel also physically abused street children, the majority of whom were Roma (see Section 5).

According to the MOI, during the first 6 months of the year, 444 written complaints and 66 oral complaints were received by the Police Directorate, of which only 99 named the officer(s) in question. Among these, 29 related to alleged improper use of firearms, 88 concerned illegal actions when issuing permits for activities, 66 involved abuse of position for personal benefit, and 61 were for failure to do one's duty or having a bad attitude. Of these complaints, the MOI determined that 38 were well founded and disciplined 6 officers and 8 noncommissioned officers and sent 9 cases to the Military Prosecutor's office for further action (*see* Section 1.e.). During the same period in 2001, 72 complaints were judged well founded. The MOI stated that 32 cases of abuse of authority were recorded in 2000 and 40 such cases in 2001. On February 27, the MOI fired one police officer in connection with the beating of six youths in the town of Kostinbrod. In the 12 months prior to September, 33 MOI officers were dismissed for corruption. During the same period, the Supreme Administrative Court was petitioned regarding 76 dismissals by the Administrative Court, of which 3 were upheld and 73 remained pending at year's end.

According to media reports, the Military Appellate Prosecutor's Office reported that during the year, 49 police or military officers were charged with having caused bodily harm, 18 were charged with taking bribes, and 155 allegedly were involved in robberies or burglaries.

Although some government officials stated that, under the country's criminal code, any complaints about police beatings are required to be heard by judges, at times this law was not respected in practice. Human rights monitors reported that they received many complaints from persons who were too intimidated to lodge an official complaint with the authorities. Human rights observers charged that police often handled minor offenses by arresting suspects, beating them, and releasing them within a 24-hour period, so that no judicial involvement was required (*see* Section 1.e.).

During the year, the MOI reportedly took steps to improve training, including forming a special group to attract citizens of Roma descent to the MOI, using Romani language in training programs, establishing within the National Police Service a commission to instruct personnel on international standards for law enforcement bodies, and initiating programs to improve MOI relations with the Roma community. Government officials claimed that police officers in the police academy completed human rights awareness training during 2001; however, some observers criticized this training as insufficient. There was no reported training by nongovernmental organizations (NGOs) during the year.

Criminal suspects in police custody run a significant risk of being mistreated, most often during the initial interrogation. In February the Council of Europe reported that the Bulgarian Helsinki Committee (BHC) 2001 survey of incarcerated persons arrested after January 2000 found that 49 percent (compared with 51 percent in 1999) of interviewed prisoners reported that police officers used physical force against them during arrest; 44 percent (compared with 53 percent in 1999) reported one or more beatings at police stations. Roma prisoners reported being abused more frequently than did other prisoners. Very seldom were allegations of police abuse properly investigated nor were the offending officers consistently punished. The Military Prosecutor's office in particular has not investigated incidents of alleged police abuse thoroughly or expeditiously.

A July hearing in the long-running trial of those accused of killing former Prime Minister Andrey Lukanov in 1996 was postponed because two of the defendants were brought into the courtroom severely beaten. The police claimed that the two had tried to escape and had attacked a police sergeant (*see* Section 1.a.).

In 2001 a police sergeant detained and beat a Romani man, Mitko Naidenov, allegedly because he was suspected in a theft case. According to NGO reports, Naidenov was hospitalized for 12 days for injuries sustained in the beating. Naidenov filed a complaint with the Regional Military Prosecutor's Office in March and, according to an NGO report, the perpetrator was sentenced to make compensation to the victim.

The investigation into the 2001 police shooting of a 30-year-old Rom, Slavi Vele, during an incident in which Vele and a group of Roma allegedly were stealing from a garden, concluded with no results.

A civil lawsuit remained pending against police officers at year's end in the 2000 police killing of Atanas Dzhambazov, a 14-year-old Rom. According to an NGO following the case, the lawsuit had not moved forward because the court demanded that Dzhambazov's family pay a fee, which was not legally required.

In 2000 a 16-year-old Rom, Tsvetalin Perov, suffered third-degree burns after reportedly setting himself on fire using flammable liquid while in detention in the Vidin police station. The prison director and officers received reprimands; after further investigation, criminal investigators decided not to file charges.

Many observers alleged that some members of the police, particularly in remote areas, were complicit in trafficking in persons (*see* Section 6.f.).

There was widespread perception that authorities did little to punish other corrupt state officials.

There were several incidents of societal violence against and harassment of Roma, including children, during the year (*see* Section 5).

Conditions in some prisons remained harsh and included severe overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. The SIS's parallel network of jails and prisons contains many of the harshest detention facilities. NGO prison monitors reported that brutality committed by prison guards against inmates continued to be a problem. The Government reported that it was in the process of renovating facilities in Belene, Plovdiv, Stara Zagora, and Vratsa and had closed down four detention facilities because they did not meet standards. Prison authorities sustained their efforts against tuberculosis, instituting a new procedure for regular testing. The process by which prisoners may complain of substandard conditions or of mistreatment did not function effectively. Labor correction hostels were used to house criminals under age 18 and were less restrictive than prisons. Men and women could be housed in the same jail but were held in separate cells. Pretrial detainees were held separately from convicted criminals.

The Government generally cooperated with requests by independent observers to monitor conditions in most prisons and detention facilities. The BHC stated that its representatives have been allowed access to SIS facilities since 2001. Unlike the procedure in regular prisons, observers still were prohibited from interviewing detainees in the SIS facilities. Human rights monitors enjoyed good access to regular prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, there were restrictions on this right in some cases. Police often arbitrarily arrested and detained street children, the majority of whom were Roma (*see* Section 5). There were no reports during the year that police detained members of minority religious groups because of their beliefs (*see* Section 2.c.).

Police normally obtained a warrant from a prosecutor prior to apprehending an individual; however, warrants were not always required for arrest. If the person was released without being charged before the 24-hour period elapsed, there was no judicial involvement in the case. Human rights observers charged that police often handled minor offenses by arresting suspects, beating them, and releasing them within the 24-hour period (*see* Section 1.c.). Persons could be detained for no more than 24 hours at the request of an investigating magistrate or a police officer; however, detention could last for up to 72 hours if ordered by a prosecutor.

The Constitution provides for access to legal counsel from the time of detention; however, a 1999 survey of prisoners conducted by the BHC found that 54 percent of prisoners complained that they had no lawyer present during preliminary investigations. In April the BHC released the results of a 2000 survey of 1,001 prisoners. More than 70 percent reported that they had had no legal representation during the preliminary investigation of their cases.

Defendants had the right to visits by family members, to examine evidence, and to know the charges against them. Charges could not be made public without the permission of the Prosecutor General. To enable a speedy trial, the law requires that investigations last no more than 2 months under normal circumstances, although this period could be extended to 6 months by the head regional prosecutor, and to 9 months by the Prosecutor General.

Only judges could determine whether to hold suspects in custody or set bail.

Human rights NGOs reported that the Government generally observed the statutory limit of 1 year for pretrial detention or 2 years in the case of the most serious crimes. While human rights lawyers noted some continuing violations of this law, increasingly these situations became exceptions rather than common practice. There also appeared to be a legal consensus that the pretrial detention limits applied cumulatively to all of the separate periods of detention, for example, in cases where defendants' cases were sent to the courts for review and returned to prosecutors for further investigation. This was a change from earlier practice, when such a situation restarted the clock on the defendant's pretrial detention. However, many cases still formally could be deemed to be in the on-trial phase for an extended period of time. This occurred when a case file had been presented to the court by prosecutors but had not yet been acted upon by the judge. Cases could, not uncommonly, remain in this situation for months, while the defendant remained in custody. The Ministry of Justice reported that in 2001 there were approximately 1,000 accused persons in pretrial detention centers, 1,100 indicted persons in the country's 13 jails and 23 labor correction hostels (*see* Section 1.c.), and 8,971 convicted prisoners.

The Constitution provides for bail, and some detainees in the past were released under this provision, although bail was not used widely. In the event of a conviction, the time spent in pretrial detention was credited toward the sentence.

Human rights observers reported that in many localities, children could be held for months in educational boarding schools on the basis of police referral before a local commission convened to make a decision on the case (see Sections 1.e. and 5).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution grants the judiciary independent and coequal status with the legislative and executive branches; however, problems in the judiciary remained, including a lack of transparent and neutral standards for assigning cases, poor coordination between prosecutors, investigators, and the courts, corruption, low salaries and understaffing, antiquated procedures, and a heavy backlog of cases.

The European Union Accession Report on Judicial Independence, issued in 2001, stated that because the Constitution provides that the “judicial power” includes prosecutors and investigators as well as judges, the separation of powers was blurred and the independence of judges was compromised. The report also found that the Ministry of Justice continued to exercise extensive administrative powers and that the Government influenced the appointment and promotion of judges and prosecutors and also influenced the outcome of cases. Partly as a legacy of communism and partly because of the court system’s structural and personnel problems, many citizens had little confidence in the judicial system. Long delays in trials were common. Human rights groups complained that local prosecutors and magistrates sometimes failed to pursue vigorously crimes committed against minorities. Many observers believed that reforms were essential to establish a fair and impartial, as well as efficient, judicial system. Since 2000 the Government has operated reform programs to upgrade the expertise of the judiciary with the help of international donor organizations. According to observers, these actions produced limited results.

Crime and corruption remained primary concerns of the Government. In July the National Assembly amended the Judicial Systems Act that empowered the Supreme Judicial Council (SJC) to vote on removing the immunity of the Prosecutor General—who previously had been unaccountable—and judges. Some members of the judiciary promptly challenged the amendments, and in December the Constitutional Court overturned them.

During the year, the Government established an anticorruption commission and amended the law to provide for a post-privatization control mechanism. The National Assembly approved amendments to the penal code that prohibited the solicitation of bribes and amended the law on privatization to provide for a post-privatization control mechanism. Politicians and NGOs continued to criticize the Prosecutor General’s office for its failure to prosecute vigorously large numbers of serious criminal cases, leaving the impression that it lacked the will to crack down on organized crime and corruption.

Observers noted modest improvement in the efficiency of moving cases through the criminal system, although many serious systemic flaws remained. The police continued to struggle with a large backlog of outstanding investigations, some up to 10 years old, which they inherited from the former investigative service.

The court system consisted of regional courts, district courts, and Supreme Courts of Cassation (civil and criminal appeal) and Administration. A Constitutional Court, which was separate from the rest of the court system, was empowered to rescind legislation that it considered unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various branches of government. Military courts handled cases involving military personnel (including police personnel) and some cases involving national security matters. The Constitutional Court did not have specific jurisdiction in matters of military justice.

Judges were appointed by the 25-member SJC and, after serving for 3 years, could not be removed except under limited, specified circumstances. The difficulty and rarity of replacing judges, virtually regardless of performance, often was cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court were chosen for 9-year terms as follows: One-third were selected by the National Assembly, one-third appointed by the President, and one-third selected by judicial authorities. During 2001 the question of whether investigating magistrates enjoyed overly broad immunity—and thus generally were free from disciplinary measures for incompetence or corruption—led to a proposal to limit magistrates’ immunity that failed in the National Assembly. The internal mechanisms that controlled corruption in the judicial system were weak. Due to its composition and inadequate support staff, the SJC, which was responsible for the proper administration of justice and drafting the judiciary’s budget, was not able effectively to set the judi-

ciary's budget, ensure the effectiveness of judges, or protect the judiciary's independence. The European Union Accession Report on Judicial Independence reported that the SJC's mixed composition and its mandate to represent the entire judicial system (judges, prosecutors, and investigators) made it an ineffective representative of judges and their independence.

Local observers contended that organized crime influenced the prosecutor's office. Few organized crime figures have been prosecuted to date. According to the National Service for Combating Organized Crime, approximately 110 organized crime groups operated in the country. Domestic NGOs estimated that between 25 and 35 percent of the economy was linked to or controlled by organized crime. The MOI requested and received assistance from foreign governments in its efforts to close legal loopholes and strengthen enforcement capabilities against criminal groups engaged in racketeering and other illegal activities (*see* Section 3).

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets, and authorities generally respected this provision. Defendants had the right to know the charges against them and were given ample time to prepare a defense. The right of appeal was provided for and was used widely. Defendants in criminal proceedings had the right to confront witnesses and to have an attorney, provided by the state if necessary, in serious cases.

The judiciary continued to suffer from a heavy backlog of cases, which resulted in long delays for trials. During the year, the backlog that had accumulated in the 1990s continued to be reduced. During the first 6 months of the year, Ministry of Justice statistics indicated that 53,908 new criminal cases had been filed, while 59,422 had been resolved. A total of 117,088 new civil cases had been filed in the same time period, and 130,944 civil cases resolved. There were 29,207 criminal and 88,189 civil cases outstanding at the end of June. The practice of pleabargaining, introduced in 2000, had not yet effectively lightened the caseload for prosecutors in its 3 years of operation. In addition, pleabargaining reportedly was perceived by many citizens as a way for the wealthy to buy their way out of charges.

Human rights observers considered educational boarding schools (formerly known as Labor Education Schools), to which problem children could be sent, as little different from penal institutions (*see* Section). However, since the schools were not considered prisons under the law, the procedures by which children were confined in these schools were not subject to minimal due process; several human rights organizations criticized this denial of due process. Children sometimes appeared alone despite the requirement that parents must attend hearings; the right to an attorney at the hearing is prohibited expressly by law. Decisions in these cases were not subject to judicial review, and children typically stayed in the educational boarding schools for 3 years or until they reached majority age, whichever occurred first. The law provides for court review of sentencing to such schools, sets a limit of a 3-year stay, and addresses some other problems in these institutions (*see* Section 5); however, human rights activists dismissed this court review provision as a formality, since the child was not present to speak on his or her own behalf (nor was the defense lawyer or the child's parents).

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these provisions in practice; however, there were regular reports of mail, especially foreign mail, being delayed or opened.

The precise extent of the MOI's discretionary power to authorize telephone wiretaps and electronic listening devices without judicial review was undetermined, and concerns remained that government security agencies acted without sufficient oversight. In 2001 media reports and commentaries discussed the need for better legislation and oversight of the various public order agencies, such as the NIS, NBS, and the National Security Service.

The BHC alleged that at times the issuance of warrants to investigate suspects' private financial records was abused to give police broad and open-ended authority to engage in far-ranging investigations of a suspect's family and associates. During the year, an NGO concerned with the rule of law complained that the Law on Special Intelligence Devices provides no possibility for citizens to be informed whether they have ever been the object of surveillance or wiretapping, even if the use of special intelligence devices with respect to them has been terminated. The NGO noted this meant that citizens were potential victims of a violation of Article 8 of the European Convention on Human Rights.

Traffickers in persons used threats against women's families and family reputations to ensure obedience (*see* Section 6.f.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government exerted undue influence on the media. A variety of media outlets presented a broad spectrum of opinion.

Journalists criticized the Government's handling of state-owned broadcast media during the year. During the year, the National Council for Radio and Television was replaced by the Council for Electronic Media (CEM), which was ineffective in handling its licensing responsibilities due to administrative and political disputes; however, there was little demonstrable progovernment bias in its decisionmaking. The BHC reported in March that significant numbers of journalists continued to feel constrained in their reporting because of media outlet management, government influence, and outside pressure. Prosecutors also were regarded widely as wielding an intimidating influence over journalists who were critical of the judicial process.

There were no formal restrictions on programming and both television and radio provided a variety of news and public interest programming. Television and radio news programs on the state-owned media presented opposition views, but under the previous government, some opposition members claimed that their activities and views were given less broadcast time and exposure than those of the then-ruling party. Starting in late 2001 and continuing during the year, there was increasing evidence that the Government was attempting to exercise influence over state-owned media. In addition to passing the controversial measures regarding the CEM and removing the Director General of Bulgarian National Television (BNT) in 2001, the Government removed a political television talk show host, Yavor Dachkov, whose program had become known for its criticism of the Government. During the year, the Government did not succeed in adopting a new media law in the face of opposition arguments that the bill would provide the Government with a means of interfering with state-owned media. However, media observers believed that the inadequacy of existing legislation left state-owned media vulnerable to government pressure.

The Access to Public Information Act (APIA) established broader public access to government information; however, since it was enacted in 2000, implementation of the law has been uneven (*see* Section 4). NGO observers noted that both government officials and members of the public had an inadequate understanding of procedures under the act, reducing the act's usefulness as a tool to promote public access to government information. Nevertheless journalists appeared to take the law increasingly into account when seeking information from the Government. The NGO Access to Information Program (AIP) reported having 515 consultations with various parties about using the APIA during the year. The AIP reported that when it became involved, government agencies often, but not always, responded to APIA requests. AIP noted that 23 out of 25 municipalities that it surveyed had appointed an official to handle APIA requests, although only 1 had appointed an official full-time. The NGO estimated that less than 40 percent of the country's hundreds of municipalities made public current information under the APIA.

In 2001 the Government amended rules regarding press reporting on the activities of the Council of Ministers. These rules sought to restrict media access to the Council but were limited following protests by journalists. The only restriction in effect was that Ministers could not take questions before ministerial sessions, although they routinely issued statements to the press after Cabinet sessions. In May the Supreme Administrative Court ruled that, under the APIA, the Council of Ministers in 2001 unlawfully had declined to make public the transcript of a ministerial session requested by a journalist from Kapital weekly and decreed that the Council of Ministers should reconsider its position on the journalist's request.

The situation with respect to licensing did not improve due to problems surrounding the operation of the CEM. In 2001 former president Stoyanov signed a media law that created the CEM. Five of the CEM members were chosen by the National Assembly and four by the President. The CEM was authorized to regulate programming and issue licenses for electronic media, a power previously held by the State Telecommunications Commission. In 2001 the Council of Europe criticized the concentration of frequency allocation authority in a nontechnical body, and media observers were concerned that this measure would lessen state radio and television independence in reporting on government policies and programs. In practice the CEM focused on monitoring and administrative activities.

In July the National Assembly passed amendments to the Electronic Media Act (EMA) that require the CEM to issue radio and television broadcast licenses only in accordance with the Overall Strategy on the Development of Radio and Television Broadcasting. The CEM drafted the strategy, which required the National Assembly's approval, in cooperation with the Commission for Regulation of Telecommuni-

cations. The National Assembly had not approved the strategy by year's end. As a result, the CEM did not promulgate new licensing procedures, and it was not clear when the Government would resume licensing electronic media. Some media observers alleged that these delays stemmed from the ruling party's wish to prevent television licenses from being issued to broadcasters who might criticize the Government.

A variety of newspapers were published freely by political parties and other organizations representing the full spectrum of public opinion. However, journalists frequently wrote reports to conform to the views of their owners.

Libel is punishable under the criminal code, but in most cases the courts defined libel and interpreted the law in a manner that favored journalistic expression. In 2000 the National Assembly reduced the fines for libel and defamation by half to approximately \$7,500 (15,000 leva), but this reduced fine remained a heavy penalty in the context of the country's economy. The provisions eliminated imprisonment as a penalty for libel; however, according to an NGO report, in one case a person was imprisoned for libel, despite the amendment, because imprisonment was allowable at the time he was charged. Journalists charged with libel or defamation also have reduced rights of appeal for libel sentences under the law. Under the law, libel remains a criminal offense and losing defendants are considered to be criminals.

Legal actions regarding media officials continued. In March the Supreme Administrative Court (SAC) ruled that former BNT director Lily Popova was fired illegally and should be reinstated as BNT director. However, Popova's term had already expired and the CEM had appointed Kiril Gotzev Director General of BNT; therefore, no actions were initiated by CEM as a result of the SAC ruling. At the same time, BNT anchorman Dimitur Tzonev, a failed candidate for the BNT director's position, challenged the CEM's selection of Gotzev before the SAC. In July the SAC ruled that Gotzev had been appointed lawfully, and in October Tzonev was appointed government spokesman.

The BNT broadcast Turkish-language newscasts, and local affiliates of Bulgarian National Radio broadcast limited Turkish-language programming in regions with ethnic Turkish populations. Foreign government radio programs such as the British Broadcasting Corporation, Deutsche Welle, Radio Free Europe, Radio France Internationale, and the Voice of America had good access to commercial radio frequencies.

Access to the Internet was unrestricted, although many citizens could not afford computers. Internet cafes were common.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Authorities required permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to assemble. Vigorous political rallies and demonstrations were a common occurrence and generally took place without government interference.

The Constitution provides for freedom of association; however, the Government prohibited groups that endanger national unity or promote racial, national, ethnic or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. The Government undertook to respect the rights of individuals and groups to establish freely their own political parties or other political organizations; however, there are constitutional and statutory regulations that restrict the right of association and limit meaningful participation in the political process. For example, the Constitution forbids the formation of political parties along religious, ethnic, or racial lines and prohibits citizens' associations from engaging in political activity. These provisions were designed to prevent the development of parties based on a single ethnic or other group that could hurt national unity by promoting ethnic tensions for political purposes. Nonetheless the mainly ethnic MRF has long been represented in the National Assembly and in the Cabinet since 2001. The other major political parties generally accepted the MRF's right to participate in the political process. In addition, a number of predominantly ethnic Roma political parties achieved some success in local elections in 2001.

The Constitution also prohibits organizations that threaten the country's territorial integrity or unity or that incite racial, ethnic, or religious hatred. In 2000 the Constitutional Court, the final authority on the matter, ruled that the political party United Macedonian Organization (OMO-Ilinden-Pirin, not to be confused with the similarly named rights group, OMO-Ilinden, although there were links between the groups) was unconstitutional on separatist grounds. In 2001, with the support of the Bulgarian Helsinki Committee, OMO-Ilinden-Pirin leaders filed an appeal with the European Court of Human Rights (ECHR). In December the MOI stated that it had no knowledge of any complaint by OMO-Ilinden-Pirin before the ECHR.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricted this right in practice for some nontraditional religious groups. The Constitution designates Eastern Orthodox Christianity as the traditional religion. The Government provided financial support to the Eastern Orthodox Church, as well as to several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths, which also were considered traditional. These groups benefited from a relatively high degree of governmental and societal tolerance.

The law on religion requires groups whose activities have a religious element to register with the Council of Ministers. By year's end, a total of 30 denominations were registered. The Government restricted religious freedom through a registration process that was selective, slow, and nontransparent. The Government prohibited the public practice of religion by groups that were not registered. In January the Church of the Nazarene was registered after more than 6 years of obstruction, with the assistance of the Prime Minister's direct intervention.

Although in previous years a few municipalities passed ordinances that aimed to curtail religious practices, the Government subsequently suspended these ordinances. However, the City Council in Burgas continued to refuse to register the local branch of Jehovah's Witnesses, despite the fact that they were registered by the national government.

In some cases, the failure of denominations to achieve registration as religious organizations caused them to function in an environment of indeterminate legality and to establish NGOs that functioned in nondenominational ways. Some groups rejected the idea of state registration. Although they operated, they were unable, for example, to rent conference halls because they did not exist as legal entities.

The appeal before the ECHR regarding a license for a nondenominational Christian radio station, Glas Nadezhda, remained pending at year's end.

The split within the Bulgarian Orthodox Church (BOC) between those who supported Patriarch Maksim and those who viewed him as illegitimate because he was selected in 1971 under Communist rule to head that church led to violence in July. A pro-Maksim Orthodox priest was arrested as a suspect in the killing on July 21 of alternative synod Orthodox priest Stefan Kamberov at a monastery near Blagoevgrad, and the alternative synod also accused the police chief of Blagoevgrad of aiding and abetting the crime. The authorities had not completed their investigation by year's end (*see* Section 1.a.). The Government stated the need to heal the schism but generally was perceived as favoring Maksim. The split hindered efforts to pass new legislation and to resolve outstanding claims relating to formerly Orthodox properties still held by the Government.

Except for alleged police involvement in actions against the alternative synod of the BOC, there were no reports of official harassment of religious groups during the year.

In December the National Assembly enacted the Law on Religious Confessions to replace the universally unpopular Communist-created law of 1949 and, indirectly, to end the schism within the BOC in favor of the Holy Synod headed by Patriarch Maksim. The law exempts the BOC from required registration and provides for an expedited registration procedure for the 30 denominations that had been registered under the 1949 law. Religious groups not registered previously under the 1949 law will not enjoy similar rights. Neither the Government nor the National Assembly requested review of the legislation by the Council of Europe or the Organization for Security and Cooperation in Europe (OSCE) prior to passage, as had been done by the previous government with respect to a draft religious affairs bill in 2001. NGOs and religious affairs observers expressed concern that the law would be used to favor the Holy Synod and to evict the Alternative Synod from properties under its control. Although the National Assembly took into consideration suggestions and critiques by Muslims, non-Orthodox Christians, and some NGOs, some media noted concerns of the Alternative Synod and the opposition UDF that the new law unfairly exempts the Maksim-led BOC from the registration requirement and would be used to suppress the anti-Maksim faction.

At the Department of Theology of Sofia University, all students were required to present a certificate of baptism from the Orthodox Church, and married couples were required to present a marriage certificate from the Church in order to enroll in the Department's classes. Non-Orthodox applicants could not be admitted to the Department of Theology.

A number of religious groups complained that foreign-national missionaries and religious leaders experienced difficulties in obtaining and renewing residence visas in the country; the issuance of residence visas appeared to be subject to the whim of individual authorities. New amendments to the Law on Foreign Persons, which went into effect in 2001, created problems for foreign missionaries and religious

workers in the country. For example, the revised law has no visa category which explicitly applies to missionaries or religious workers, and rules for other categories of temporary residence visa (such as self-employed or business-owner) have been tightened in ways that reportedly make it more difficult for religious workers to qualify. For example, foreign evangelical missionaries in Stara Zagora, who had reported confusion, delays, and demands for unexpected fees and bribes while applying for visas, were granted 1-year visas in July following a visit to Stara Zagora by a foreign diplomatic representative. Some foreign missionaries reportedly continued to travel in and out of the country every 30 days, despite the financial costs involved, in order to avoid having to obtain visas.

NGOs and certain denominations claimed that a number of their properties confiscated under the communist government were not returned. For example, the Muslim community asserted that it once owned at least 17 properties around the country that the Government has not returned. The Government also reportedly retained six buildings in Sofia, three in Plovdiv, and several other buildings in other towns, as well as three monasteries that belonged to the Catholic Church. Methodists and Adventists also claimed land or buildings in Sofia and other towns. A representative of the Jewish community stated that former Jewish properties had mostly been recovered over the last 10 years, with two exceptions in downtown Sofia. The head of the Office on Restitution Issues stated that the list of outstanding claims was shorter during the year, and that the law permits resolution of claims if a timely filing was made. However, a central problem facing all claimants was the need to demonstrate that the organization seeking restitution was the same organization—or the legitimate successor of the organization—that owned the property prior to September 9, 1944. This was difficult because communist hostility to religion led some groups to hide assets or ownership and because documents had been destroyed or lost over the years.

Discrimination, harassment, and general public intolerance toward religious minorities, which included the great majority of Protestant denominations, remained a problem; however, the number of reported incidents decreased during the year. Strong suspicion of evangelical denominations among the Orthodox was widespread and pervasive and resulted in societal discrimination. Nevertheless, human rights observers agreed that such discrimination has gradually lessened over the last 4 years as society appeared to become more accepting of at least some previously unfamiliar nontraditional religions.

There were no reports during the year that non-Orthodox religious groups were affected adversely by media coverage. In previous years, numerous articles in a broad range of newspapers as well as television documentaries reported inaccurately on the activities of non-Orthodox religious groups, attributing the breakup of families and drug abuse by youths to the practices of these groups, and alleged that evangelical parents provided illegal drugs to young children. In February a youth with skinhead connections in Sofia stabbed a Mormon missionary; however, it was not known whether the attack was connected with the victim's religious activities or affiliation. Two assailants were arrested, charged with relatively minor offenses, convicted, and given suspended sentences. The missionary recovered.

In April a gang of apparent skinheads attacked a group of Roma in Pazardzhik, resulting in several hospitalizations. Although the motive for the attack was unclear, it reportedly took place following a service by a Swedish evangelical preacher at the local stadium.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted the access of noncitizens to border zones that extending up to approximately 4.2 miles from the country's border. Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth; there are no limits to these rights under the Constitution.

The Government granted asylum and refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Law on Refugees regulates the procedure for granting refugee status as well as the rights and obligations of refugees. The Agency for Refugees, formerly the National Bureau for Territorial Asylum and Refugees, was charged with following this procedure. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The Government provided first asylum. In the past, domestic and international human rights organizations had expressed concern over the Government's handling of asylum claims and reported that there may have been cases in which bona fide refugees were turned away at the border. No such cases were reported during the

year; however, because NGOs lacked institutionalized access to the country's borders, it often was difficult for them to monitor the Government's handling of asylum cases.

During the year, the State Agency for Refugees received requests for refugee status from 2,888 persons. Refugee status was granted to 75 persons and humanitarian protection given to 646, while 781 applications were denied. There were 1,140 cases pending at year's end. The leading countries from which applicants originated were Iraq, Afghanistan, Armenia, Sudan, and Nigeria. In 2001 there were 2,428 applicants, of which 385 received refugee status, 1,185 were granted humanitarian protection status, and 633 had their applications denied.

Humanitarian protection status provided temporary protection for 1 year, and persons could reapply.

In June the National Assembly adopted the Law on Refugees and Asylum that streamlines the procedures for granting asylum and refugee status. Under the law, applicants for asylum or refugee status are interviewed immediately. Within 3 days of the interview, applications are reviewed by a competent authority, who determines whether they merit further processing. The law also provides for the detention of foreigners who are deemed by the MOI to pose a threat to national security, or who have committed serious crimes.

The Agency for Refugees reported that it had received 5,938 applications for asylum since its inception in 1993. Of these, 902 persons were listed as holding approved asylum or other humanitarian residence status at year's end. Domestic and international human rights organizations complained that the adjudication process was slow, but the UNHCR noted that the Agency for Refugees began a major restructuring project to reduce the adjudication time to a period of 3 months; the project was expected to take 4 years. The UNHCR, in cooperation with an NGO, operated three transit centers near the Greek, Turkish, and Romanian borders and assisted the Government with a small reception center in Banya.

The case of Ahmad Musa, a Palestinian who was expelled from the country for being a threat to national security in 2000, remained pending before the ECHR at year's end.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections of the President and members of the National Assembly. However, the constitutional prohibition of parties formed on ethnic, racial, or religious lines effectively circumscribed access to the political party process for some groups (see Section 2.b.). Suffrage is universal at the age of 18.

Parliamentary elections held in 2001 were considered by international observers to be generally free and fair, and voting took place in a calm and orderly atmosphere; however, the OSCE reported that while a large number of media outlets gave the public broad access to information, provisions in the Election Law regulating campaign coverage in the public media were overly restrictive. Election contestants also had to pay for all appearances in the public broadcasting media, including debates, which effectively limited campaign coverage in the media. A coalition government headed by former King Simeon Saxe-Coburg of the NMS party won the elections and took office in 2001.

There were no legal restrictions on the participation of women in government and politics. There were 63 women in the 240-seat National Assembly. A number of women held elective and appointive office at high levels in the new government, including one Deputy Prime Minister (who also was Minister of Labor and Social Policy), the Minister of Environment and Water Resources, and 10 deputy ministers. Women also held key positions in the National Assembly, including one Deputy Speaker and the chairs of three committees. The largest opposition party in the National Assembly, the Union of Democratic Forces, was led by a woman.

There were no legal restrictions on the participation of minorities in politics; however, the Constitution prohibits ethnically, racially, or religiously based parties (see Section 2.b.). There were 23 minority members of parliament (M.P.s) in the 240-seat National Assembly. There were two MRF ministers in the Cabinet. They were the first ethnic Turks to serve in the Cabinet. The Turkish community's popularly elected representation of twenty ethnic Turks in the National Assembly roughly corresponded to its size. There were two Roma in the National Assembly, one was an NMS member, the other a BSP member. Both groups were underrepresented in appointed governmental positions, especially leadership positions. Romani groups de-

mandated that existing political parties adopt platforms pledging more representation and other improvements for Roma in return for Romani support. There was also one ethnic Armenian M.P. in the National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year. The APIA opened new channels of information, which at times proved quite helpful to human rights observers; however, implementation of the act has been uneven. In particular, local administrations were slow to designate a place where APIA requests could be submitted. Human rights observers also experienced some difficulty in obtaining information that had been easy to obtain before 2001, such as information from prosecutors. During the year, a number of NGOs issued reports that analyzed and criticized the prevalence of corruption and organized crime as well as the weak and inefficient criminal justice system, sparking considerable public debate. The Government made no attempt to suppress them or punish their authors.

The police continued cooperation with human rights NGOs in providing human rights training to police officers; however, the BHC did not conduct any further human rights awareness training during the year. In general human rights observers reported continued receptivity and dialog on the part of the Government and police officials toward human rights concerns. However, police practices at the working level had not changed noticeably.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still existed, particularly against women and Roma.

Women.—Societal violence against women was a serious and common problem, but there were no official statistics on its occurrence. The Animus Association Foundation (AAF), an NGO that offered assistance and support to female victims of violence, estimated that one in five women suffered from spousal abuse. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government generally did not assist in prosecuting domestic assault cases unless the woman was killed or injured permanently. Courts and prosecutors tended to view domestic abuse as a family matter rather than a criminal problem. In most cases, victims of domestic violence took refuge with family or friends rather than approach the authorities. Police often were reluctant to intervene in cases of domestic abuse, even if a woman called them seeking protection or assistance.

The Government did not take steps to combat violence against women and did not provide shelter or counseling for women. In Sofia the NGO Nadya De Center provided shelter to battered women, and the AAF opened a crisis center that provided short-term emergency shelter for female victims of violence. At year's end, there were 15 crisis centers around the country that provided assistance to female victims of violence. The AAF also operated a 24-hour hot line for women in crisis that was staffed by volunteer counselors, supported by 13 full-time professional therapists.

NGO observers reported a generally improved public attitude toward the problems of violence against women in the last few years. After several years of activism by various NGOs, the taboo against acknowledging and talking about domestic violence and violence against women has been broken. Observers also noted some increased sensitivity on the part of police to the issue. The AAF reported that it periodically received client referrals from police.

For the period January through June, the AAF reported that it had assisted 405 female victims of domestic violence, including 12 adolescents, 27 victims of sexual violence, and 18 traumatized witnesses or family members of the victims. However, observers believed that the actual incidence of each form of violence was much higher, as these represented only those cases where the victims (or, in some trafficking cases, an overseas women's group) were willing and able to contact the AAF.

Spousal rape is a crime, but it rarely was prosecuted.

The courts prosecuted rape, although it remained an underreported crime because of the stigma which society attached to the victim. The maximum sentence for rape is 8 years; convicted offenders often received a lesser sentence or early parole. According to the MOI, 215 rapes and 64 attempted rapes were reported for the period January through June, compared with 197 and 35, respectively, from January to August 2001. According to a survey by a local polling agency, 80 percent of rapes involved an assailant known to the victim.

Prostitution was not prohibited by law; however, a variety of activities often associated with prostitution, such as pimping, were illegal (*see* Section 6.f.). Forced prostitution was illegal, but remained a serious problem. Poor socioeconomic conditions contributed to a disproportionate number of Romani women drawn into organized prostitution.

Trafficking in women was a serious problem (*see* Section 6.f.).

The law does not prohibit sexual harassment, and sexual harassment was a widespread problem. Labor unions reported that sexual harassment occurred in the clothing assembly industry, particularly in the southern parts of the country. A survey conducted by the Agency for Social Research (ASR) during the year found that approximately 40 percent of women had suffered sexual harassment in the workplace. Most incidents were unreported.

The Constitution forbids privileges or restrictions of rights on the basis of sex, and women were not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws; however, women faced discrimination both in terms of job recruitment and the likelihood of layoffs.

Official figures showed the rate of unemployment to be higher for women than for men. Women were much more likely than men to be employed in low-wage jobs requiring little education. The National Statistical Institute reported that in late 2001, the average salary of a woman was 77 percent of the average salary of a man. An ASR survey found that 52 percent of the country's unemployed were women and that women received only 67 percent of the remuneration of their male counterparts due to limited overall opportunities for promotion. An Austrian government-funded survey on obstacles to female entrepreneurs in the country, carried out by the Foundation for Entrepreneurship Development, found that barriers included the unavailability of start-up capital, corruption, and low purchasing power. In 2000 there were half as many self-employed women as men, and women owned or managed only a third of domestic businesses.

Women were as likely as men to attend universities. However, in the workplace, women had less opportunity to upgrade their qualifications and generally secured lower-ranking and lower-paying positions than their male counterparts. Women generally continued to have primary responsibility for child rearing and housekeeping, even if they were employed outside the home. Since 80 percent of employed women work in the lowest-paying sectors of the labor force, they often needed to work two jobs in addition to their household duties in order to help provide for their families. Female-headed households frequently lived below the poverty line. There were liberal provisions for paid maternity leave; however, these actually could work against employers' willingness to hire and retain female employees. This was noticeable especially in higher-paying positions in the private sector, where many women with engineering degrees worked as secretaries.

The Government did not have programs to address economic discrimination or integrate women into the mainstream of society and the economy, although much NGO activity was focused on these areas.

Many of the approximately 30 women's organizations were associated closely with political parties or had primarily professional agendas. Some observers believed that women's organizations tended to be associated with political parties or professional groups because feminism had negative societal connotations. Of those organizations that existed mainly to defend women's interests, the two largest were the Women's Democratic Union in Bulgaria and the Bulgarian Women's Association. The Party of Bulgarian Women was one of the founding parties in the NMS coalition, which won the 2001 parliamentary elections (*see* Section 3).

Children.—The Government generally was committed to protecting children's welfare; however, government efforts in education and health were constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. Public education was free, but children were required to pay for books, which was a problem for poor families. Fewer girls than boys attended school, especially among minority groups.

Many Roma and other observers made credible allegations that the quality of education offered to Romani children was inferior to that afforded to most other students. Some parents were reluctant to have too many Romani children enrolled in school because they feared it would lower the school's academic standards. Romani children and ethnic Bulgarian children generally attended separate schools, although integration programs, including busing, were started in several localities during the year. The Government largely was unsuccessful in attracting and keeping many Romani children in school. Schools in most Romani neighborhoods suffered from chronic absenteeism and very low graduation rates. Less than 8 percent of Romani children have completed secondary education, and less than 1 percent

have graduated from college. Many Romani children arrived relatively unprepared for schooling; many were not proficient in the Bulgarian language. Since March a project in Siliistra region provided weekend classes for Romani children under the age of 15 who were not in school.

Poverty led to widespread school truancy because many children in Romani ghettos could not afford shoes or basic school supplies, and instead turned to begging, prostitution, and petty crime on the streets. A social milieu that often did not highly value formal education also was a contributing factor. Lack of effective government infrastructure and programs and economic and social factors combined to deprive Romani youths of an education.

There were indications that some initiatives undertaken by the Government and by Romani NGOs were achieving small successes in mitigating these problems, for example by providing free lunches and subsidizing textbook and tuition costs. With the help of international donor funding, an ethnic reintegration effort began in schools in Vidin in 2000 and continued through the year. Since 2000 busing programs have operated in Vidin and elsewhere, although one Romani M.P. called the program a failure, and an EU representative in Sofia stated that there should be an assessment of the impact of the program around the country. Nevertheless, during the year, Romani children from the settlement continued to attend nonsegregated schools as a result of local and international nongovernmental initiatives, and the program was expanded to include the cities of Montana, Pleven, Stara Zagora, Sliven, and Khaskovo.

Conditions for children in state institutions were poor. At the end of 2001, according to the State Agency for Child Protection, there were approximately 35,000 children confined to 360 state or municipal institutions that were under the jurisdiction of 5 different government ministries. Only 2 percent of these children were orphans, but many had disabilities. Social attitudes towards children with disabilities led families to institutionalize their children if they had disabilities. Another 2,900 children were considered at risk and were forced to seek care in institutions because their families could or would not support them. Human rights monitors were sharply critical of the serious deficiencies in government-run institutions for children, including orphanages, educational boarding schools (reform schools), facilities for the mentally handicapped, and shelters for homeless children. These facilities were plagued by inadequate budgets, poorly trained and unqualified staff, and inadequate oversight. For example, the Government maintained a sizable network of orphanages throughout the country. However, many of the orphanages were in disrepair and lacked proper facilities. NGO monitors further alleged that even food budgets were highly deficient, with many institutions dependent on the uneven flow of private donations to feed their charges. Access to medical care and proper hygiene was poor.

There were few provisions for due process of law for Roma and other juveniles when they were detained in educational boarding schools run by the Ministry of Education (*see* Section 1.e.). Living conditions at these reform schools were poor, offering few medical, educational, or social services. Generally, staff members at many such institutions lacked the proper qualifications and training to care for the children adequately. Degrading and severe punishment, such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, were common at the schools. Children in these institutions also did not have adequate access to medical care. Legislation provides for the court review of sentencing to such schools and addresses other problems in the reform school system (*see* Section 1.e.); however, these provisions did not function in practice. Decisions to commit children to an educational boarding school were made by local commissions for combating juvenile delinquency, which generally were not held accountable to any higher authority. Standards differed among these local commissions in how closely prescribed procedures were followed. Human rights observers reported that in many localities, contrary to the law, a child could be held in such a facility on the basis of a police referral for months before the local commission convened to make a decision on the case. The U.N.'s Common Country Assessment for Bulgaria reported in 2001 that the children in these facilities could be subject to physical abuse and upon leaving these homes could be emotionally scarred and ill-prepared to face the outside world.

There was no societal pattern of abuse against children; however, some Romani children were targets of skinhead violence and arbitrary police detention (*see* Section 1.d.); the homeless or abandoned particularly were vulnerable.

There were reports that family or community members forced some minors into prostitution. Child prostitution reportedly was particularly common among Romani youth.

Trafficking in girls was a problem (*see* Section 6.f.).

Persons with Disabilities.—The law provides for a range of financial assistance for persons with disabilities, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs; however, budgetary constraints limited the availability of assistance. A survey during the year by the Center for Independent Living found that about 82 percent of public buildings were inaccessible to persons with disabilities. Societal discrimination against persons with disabilities persisted. Persons with disabilities had access to university training (students with disabilities were required to pay the university's initial application fee but were exempt from tuition if accepted), to housing, and to employment; however, architectural barriers were a great hindrance in most older buildings, including schools and universities.

Conditions in institutions for persons with disabilities were poor. In April Amnesty International (AI) published a report on Sanadinovo Social Home for Mentally Disabled Women, which was found to be grossly understaffed and conditions failed to meet international human rights standards. For example, as punishment, women were held in a cage made of iron bars and wire; the NGO observers noted that the cage floor was dirty with human excrement. The report prompted a swift investigation by the Ministry of Health and the Ministry of Labor and Social Policy, and the home was closed in July. AI also publicized inhuman conditions at a home for men with mental disabilities in Dragash Voyvoda, where 22 residents reportedly died of starvation and pneumonia in 2001. The home's director was fired immediately, and the 147 remaining residents were scheduled to be relocated by year's end because the premises in Dragash Voyvoda could not be renovated.

Labor laws intended to protect the interests of persons with disabilities and create employment opportunities have had a mixed effect. On the one hand, the law provides incentives for small firms to hire persons with disabilities; for example, the Bureau of Labor paid the first year's salary of a disabled employee. On the other hand, workers with disabilities were entitled to shorter working hours, which often led to discrimination against them in hiring. According to the law, any enterprise employing more than 50 persons must hire a certain number of workers with disabilities (from 3 to 10 percent, depending on the industry). Those that fail to do so must pay a fine, the proceeds of which go to a fund for persons with disabilities. Nevertheless, due to low fines and delays in the judicial system, compliance rates were extremely low. General unemployment and a poor economy also undermined initiatives aimed at advancing equal opportunity for persons with disabilities; the great majority of persons with disabilities were unemployed.

Policies and public attitudes prevalent during the communist era, which separated persons with mental and physical disabilities, including very young children, from the rest of society, have persisted. Some complained that the effective segregation of children with disabilities into special schools lowered the quality of their education. Many children with disabilities were institutionalized.

The law requires improved structural access for persons with disabilities, and public works have taken the needs of persons with disabilities into account; for example, Sofia's new subway system was designed with wheelchair access to stations. However, enforcement of this law lagged in existing, unrenovated buildings.

National/Racial/Ethnic Minorities.—According to a 2001 census, ethnic Bulgarians made up 86 percent and ethnic Turks 9 percent of the population. Ethnic Roma were estimated officially to comprise 4.6 percent of the population; however, their actual share was likely between 6 and 7 percent, since many persons of Romani descent tended to identify themselves to the authorities as ethnic Turks or Bulgarians. A Council of Europe report issued during the year estimated that there were 600,000 to 800,000 Roma in the country; official statistics estimated the number of Roma at 371,000. Ethnic Bulgarian Muslims or Pomaks were a distinct group of Slavic descent whose ancestors converted from Orthodox Christianity to Islam; they constituted 2 to 3 percent of the population. Most were Muslim, although a number became atheists or converted to Christianity. Smaller groups, such as Jews and Armenians, were well integrated into Bulgarian life.

There were no reports of lethal police assaults on Roma; however, police harassed, physically abused, and arbitrarily arrested some Romani street children (see Sections 1.c. and 1.d.). Little progress was in resolving cases of police violence against Roma in previous years, and these largely remained in the investigatory phase.

In January three Roma were arrested for reportedly assaulting a police officer in a Burgas area village, breaking his ribs. In March near Vidin, two Romani minors reportedly killed a non-Romani man during an attempted robbery. In April a similar killing occurred in the village of Ivanski, near Shumen.

There were reports of non-Roma/Roma violence. In April 5 or 6 persons attacked a group of 15 Roma as they returned home from a Pentecostal Church meeting in Pazardzhik. The attackers used bats and chains. Non-Roma living nearby came to

the assistance of the Roma, but five Roma were hospitalized. Complaints were filed but police made no arrests by year's end. Also on April 20, a group of skinheads attacked Roma in a nightclub in the village of Oreshak, near Troyan. On May 26, private security guards killed 19-year-old Miroslav Zankov at the abandoned military airport in Gabrovnitsa, near Montana. On August 21, another private security guard shot and killed 21-year-old Pavel Y. in Sofia. Both victims allegedly were stealing. Investigations continued in both cases at year's end, but no charges had been filed.

Much of the violence afflicting Romani communities in the country during the year was intraethnic. The most significant violence took place in Vidin. In June members of a rival clan killed 19-year-old Tsvetelin Petrov, a member of the Zrunkov clan, who allegedly was ransacking a shop, which started a riot. Police and armored vehicles were used to restore order, and a man was killed under unclear circumstances. At the insistence of other Roma, the Government then sought to disperse the Zrunkovs, who had acquired a reputation within the local community as troublemakers and usurers, to towns and villages around the country; however, they encountered nearly universal hostility from Roma and non-Roma.

In July one member of the Zrunkov clan, Ivan Ivanov, attempted to set himself on fire in front of the President's office, but guards quickly extinguished the flames. Also in July, police arrested 16 Roma in Vidin after they reportedly plundered the houses and property of the departed Zrunkovs. Additionally in July, in the town of Chirpan, six Roma (including a 6-year-old child) were injured in fighting between rival clans. Most of the Zrunkovs were reported to have returned quietly to Vidin or to have emigrated by year's end.

Severe unemployment and poverty among the Roma, combined with generally unfavorable attitudes towards Roma among ethnic Bulgarians and Turks, contributed to strained relations between the Roma and the rest of society. Economic stress and other factors led to protests or violence during the year. The most significant disturbances arose in connection with efforts by some local electricity companies to collect large unpaid electric bills accumulated by persons living in Romani neighborhoods.

As individuals and as an ethnic group, Roma continued to face high levels of discrimination. Roma encountered difficulties applying for social benefits, and local officials discouraged rural Roma from claiming land to which they were entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children was inferior to that afforded most other students. Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justified such discrimination on the basis that most Roma only had elementary training and little education. Roma continued to suffer from inadequate access to health care.

Romani activists and NGOs continued to criticize the Government's lack of progress in implementing its framework program for Romani integration—the Program for Social Integration of Roma—which was unveiled in 1999. Aside from the hiring of a number of individual Romani representatives in various institutions of local, regional, and national government (*see* Section 3), there was little discernible progress in implementing the program.

Nevertheless, there were projects that sought to improve economic and educational opportunities for Roma, as well as to address the problem of ineffectual political leadership among the Roma. One program was the Ethnic Integration and Conflict Resolution project, which began operations in Vidin and Kyustendil, as well as in Lom where it was launched in 2000. The project included providing limited funds to small enterprises which employ Roma, undertaking activities to reduce Romani drop-out rates and provide tutoring for university enrollment exams, and creating an Institute for Roma Leaders where young Roma could develop leadership and conciliation skills. Social aspects of the project included health education for women, a needed component, since Roma suffer from inadequate health care. An estimated 90 percent of Roma never have received routine medical or dental care. Life expectancy for Roma was 55 years; for ethnic Bulgarians, it was 69 years.

Demands for expulsion of Roma continued. In 2001 in an open letter sent to Prime Minister Saxe-Coburg, groups claiming to represent Roma complained of public statements, made by ethnic Bulgarians in some towns, calling for measures that could lead to further segregation of the Roma. During the year, the most significant demand for the expulsion of some Roma came from other Roma in the case of the Zrunkov clan in Vidin. No new demands by non-Romani groups for the expulsion of Roma were reported.

The Government and the European Bank for Reconstruction and Development funded the construction of new apartments in Sofia for Roma who were displaced

in 2001. Approximately 100 families occupied the new housing; the program was scheduled to continue in 2003, with additional construction in Plovdiv.

During the year, Roma protested after government-owned local electricity companies demanded the payment of large unpaid bills that residents of some Roma communities had accumulated over recent years. The unrest began in February when Roma in Plovdiv protested a decision by the local electricity company to cut off power to the mainly Romani neighborhood of Stolipinovo because of unpaid bills of approximately \$3 million (6 million leva). Other places affected included districts in and around Burgas, where unpaid bills amounted to approximately \$120,000 (240,000 leva), and Sliven. In Sliven many Roma had not paid their electricity bills for 4 or 5 years. In the northwestern city of Vidin, where it was eventually agreed, as elsewhere, that a portion of government welfare payments would go directly to the local electric company, Roma protested that they would no longer be receiving that money in cash. There were reports that failure to collect electricity bills was considered an informal welfare benefit extended by some local governments to Romani communities.

Beginning in late 2001, the Interior Ministry reserved 20 to 30 places in the Police Academy for minority candidates to address the serious underrepresentation of ethnic Turks and Roma in the police agencies. According to the Government, the number of Romani police officers rose from 59 in 2001 to 158 during the year, including four officers, 89 sergeants, and 55 police guards. A special Office for Romani Training Programs was established, and bilingual training manuals were published. However, ethnic Turks and Roma held no senior law enforcement positions.

In 2000 the Government completed the transformation of controversial military construction battalions into a state-owned company that no longer employed conscript labor. During the year, there were no reported problems with the integration of ethnic minority conscripts into the mainstream of the military forces, but there were few ethnic Turkish or Romani military officers and a small number of high-ranking officers of the Muslim faith.

Ethnic Turks were represented on the boards of state-owned companies, such as Bulgartabak Holding, which were involved in the tobacco industry. However, observers expressed concern over the socioeconomic implications of the privatization of Bulgartabak for the sizeable number of ethnic Turks whose livelihood depended on tobacco. With the privatization of Bulgartabak, the Government no longer subsidized tobacco growers by buying tobacco above market price.

There were no restrictions on speaking Turkish in public. Voluntary Turkish-language classes in public schools, funded by the Government, continued in areas with significant Turkish-speaking populations, although some observers complained that the Government discouraged optional language classes in areas with large concentrations of Muslims. The Ministry of Education estimated that approximately 40,000 children studied Turkish. Some ethnic Turkish leaders continued to call for compulsory Turkish-language classes in areas with significant ethnic Turkish populations, but support for these views was muted during the year since the MRF became part of the Government. During the year, the Interior Minister and the Vice President both publicly apologized to the Turkish minority for the renaming campaign in the 1980s.

Ethnic Bulgarian Muslims, often called Pomaks, remain in an ambiguous position. In the town of Yakoruda, local officials refused to recognize Pomak identity, and those calling themselves Pomaks or Bulgarian Muslims alleged discrimination by government officials. Several years ago, a local prosecutor reportedly refused to register a new NGO whose name included the word Pomak, but the NGO eventually was registered under a different name. Nevertheless, local officials reportedly continued to hamper the activities of the NGO after they learned that its members identified themselves as Bulgarian Muslims.

The media reported that a draft report prepared by the National Council on Ethnic and Demographic Issues (NCEDI) on the 1999 Framework Agreement and intended for the European Union Parliamentary Assembly stated that it was wrong not to recognize Macedonian and Pomak minorities. The report also stated that Article 14 of the Constitution, which forbids the creation of ethnic, racial, and religious parties, was discriminatory and limiting. The leader of the nationalist Internal Macedonian Revolutionary Organization expressed alarm at alleged plans by the Government to recognize the existence of Macedonian and Pomak minorities. The chief of the NCEDI later denied that the report included any such suggestion.

There were no restrictions on the use of non-Slavic names; however, both ethnic Turks and Bulgarian Muslims complained that the procedures for restoring their original names (after they had been forced to adopt Slavic names during the 1970s and 1980s) were excessively burdensome and difficult to accomplish.

Several thousand persons, mainly in the southwest, identified themselves as ethnic Macedonians, most for historical and geographic reasons. Members of the two organizations that purported to defend their interests, OMO-Ilinden and TMO-Ilinden, were believed to number in the hundreds (see Section 2.b.). The Government did not recognize Macedonians as a distinct ethnic group, and the group was not enumerated in official government census statistics.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all workers to form or join trade unions of their choice, and workers exercised this right.

Estimates of the unionized share of the work force ranged from 30 to 50 percent, but this share continued to decrease as large firms laid off workers, and most new positions appeared in small, nonunionized businesses. The two largest trade union confederations were the Confederation of Independent Trade Unions of Bulgaria (CITUB) and Podkrepa, which together represented the overwhelming majority of organized workers. Trade unions were required to demonstrate their membership strength through a periodic census of their members; however, employer representative organizations were not similarly required to disclose who they represented in the trilateral process.

Doctors and dentists expressed dissatisfaction with their government-imposed union structure. The trade unions alleged that this organization was not truly a labor representative organization but simply a government-mandated fee collection agency. They also believed that it impeded the opportunity for a genuine trade union to represent medical professionals.

The Labor Code's prohibitions against antiunion discrimination include a 6-month period for redress against dismissal as a form of retribution. However, there was no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rested entirely on the employee. In several instances in the past, an employer was found guilty of antiunion discrimination, but the employers appealed the decisions. The backlog of cases in the legal system delayed further action, effectively postponing, perhaps indefinitely, redress of workers' grievances.

The labor movement remained concerned about the widespread use of temporary contracts to evade provisions for worker protections for permanent staff. Many workers, who effectively were permanent staff, were hired under short-term contracts that were renewed at the end of each month or each quarter. When an employer decided to fire someone, the employer could do so legally by simply not renewing the person's contract, rather than initiating a severance action that could entail payment of benefits.

There were no restrictions limiting affiliation or contact with international labor organizations, and unions actively exercised this right.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides for collective bargaining, which was practiced nationally, regionally, and on the local level; however, labor unions complained that while the legal structure for collective bargaining was adequate, many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers also viewed the Government's enforcement of labor contracts as inadequate. The legal prohibition against striking for key public sector employees weakened their bargaining position; however, in the past, these groups were able to influence negotiations by staging protests and work slowdowns, and engaging in other pressure tactics without going on strike (see Section 6.a.).

The Labor Code provides for the right to strike when other means of conflict resolution have been exhausted; however, political strikes were forbidden, and workers in essential services (primarily the military and the police) were subject to a blanket prohibition against striking. Such workers on occasion held effective strikes in which they stopped or slowed their activities for 1 or 2 hours. The CITUB confederation argued that the number of workers classified as essential and ineligible to strike was excessive and unfairly restricted the right of many civil servants to exercise their worker rights.

The obligation to bargain collectively and adhere to labor standards applied to the country's six export processing zones, and unions could organize workers in these areas.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 16 years; the minimum age for dangerous work is 18. Employers and the Ministry of Labor and Social Policy

(MLSP) were responsible for enforcing these provisions. Child labor laws generally were enforced well in the formal sector, but NGOs believed that children increasingly were exploited in certain industries (especially small family-owned shops, textile factories, restaurants, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics), where they often faced illegal conditions.

There were no official statistics on child labor. An International Labor Organization (ILO)-commissioned report, *Problems of Child Labor in the Conditions of Transition in Bulgaria*, published the results of a study conducted during 2000, which found that 6.4 percent of children between the ages of 5 and 17, or approximately 80,000 children, were involved in paid employment in the informal sector. Of these children, 55 percent were between the ages of 15 and 17, while 45 percent were under 15. The study estimated that 32.3 percent of children between the ages of 5 and 17 worked on family farms, while 41.8 percent worked at home. Only 14 percent of children did not work. The study estimated that 8.3 percent of children performed heavy physical labor while 4.2 percent performed activities hazardous to their health such as plowing, bailing hay, caring for livestock, stringing tobacco and working excessive hours. Ethnic Turkish children were particularly at risk of having to perform heavy physical or hazardous labor on family-owned tobacco farms. The study estimated that 0.8 percent of children, or approximately 10,000, practiced begging.

Children's workdays often exceeded the 7-hour maximum set by the Labor Code, and sometimes children did not receive overtime pay for hours worked. Underage employment in the informal and agricultural sectors was believed to be increasing because of the breakup of collective farms and the growing private sector. Local NGOs reported that children worked on non-family-owned farms for meager monetary or in-kind wages (e.g., food). NGO observers also reported that institutionalized children often hired themselves out for agricultural labor for a modest income during periods when they were allowed out of residential facilities.

In 2000 the country ratified ILO Convention 182 on the Worst Forms of Child Labor; however, the National Assembly has not adopted implementing legislation.

e. Acceptable Conditions of Work.—In 2001 the Government increased the monthly minimum wage from approximately \$43 (85 leva) to \$50 (100 leva). The average industrial wage was approximately \$123 (246 leva). Nonpayment of wages and wage payments in arrears was a growing problem with certain employers, including state enterprises. The CITUB labor confederation estimated that there was an overall backlog of \$50 million (100 million leva) in unpaid wages owed to public sector workers and workers in enterprises which were wholly or partly state-owned. The Constitution stipulates the right to social security and welfare aid assistance for the temporarily unemployed, although in practice such assistance often was late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP was responsible for enforcing both the minimum wage and the standard workweek. Enforcement generally was effective in the state sector (aside from dealing with wage arrears) but was weaker in the private sector.

There was a national labor safety program, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and non-hazardous working conditions, and the MLSP was responsible for enforcing these provisions. However, conditions in many cases continued to worsen due to budget constraints and the growth of a private sector that labor inspectors did not supervise effectively. Protective clothing often was absent from hazardous areas (for example, goggles for welders and helmets for construction workers). The pervasive economic crisis and imminent, long-overdue privatizations contributed to a heightened fear of unemployment, leading to reluctance on the part of workers to pursue wage and safety demands. The law requires joint employer and labor health and safety committees to monitor workplace conditions; however, implementation was slow and these committees remained in developmental stages at year's end.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment. However, in practice, refusal to work in situations with relatively high accident rates or associated chronic health problems resulted in the loss of employment for many workers.

f. Trafficking in Persons.—In October the National Assembly amended the penal code to make trafficking in persons a criminal offense; however, trafficking in women and girls was a serious problem, and the country remained a source, transit country, and destination for trafficked persons. There was no evidence of a pattern

of official complicity in trafficking, although a number of law enforcement officers and other government authorities were involved in trafficking.

The punishment for trafficking in persons may include 1 to 8 years in prison and fines up to \$4,000 (8,000 leva). If aggravated circumstances exist—e.g., a minor or kidnaping was involved—penalties increase to 2 to 10 years in imprisonment and fines of up to \$5,000 (10,000 leva). A variety of additional laws could be used to prosecute persons for activities often associated with trafficking. Inducement to prostitution is punishable by up to 3 years' imprisonment, and the penalty rises to 10 to 20 years if the crime was performed by or through an organized crime group, if the victim was a minor under age 18 or legally incompetent, if two or more persons were induced into prostitution, or if the offense was repeated. Law enforcement officials complained that because the minimum penalty was less than 5 years' imprisonment, they were not permitted to use special investigative techniques, such as wiretapping, to deal with traffickers.

The Government investigated cases of trafficking; however, no suspected traffickers were brought to trial during the year, possibly because victims were afraid to confront their former criminal controllers in the absence of government-sponsored programs to assist or protect victims of trafficking. Some judges and prosecutors also reported that they feared reprisals from organized crime figures. There were two police units that specifically addressed the problem of trafficking in persons. One was part of the National Border Police and the other was in the Ministry of Interior's organized crime fighting agency, the National Service for Combating Organized Crime (NSBOP). In 2001 an interagency trafficking task force was established including the National Border Police and the NSBOP. During the year, it executed 65 search warrants, arrested 40 persons, and freed approximately 200 women and girls. Of these, an estimated 10 to 15 percent were victims of forced prostitution. The remainder appeared to have some awareness of their prospective work or their employers' intentions and methods. Approximately 60 to 65 percent of the women freed were citizens of the country.

Victims overwhelmingly were women and girls trafficked for the purposes of prostitution. Government authorities and NGO observers reported that thousands of Bulgarian women, as well as women from Romania, Moldova, Russia, Ukraine, Armenia, Azerbaijan, and Georgia, were trafficked for sexual exploitation to Macedonia, Greece, Turkey, Yugoslavia (including Kosovo), Bosnia, Italy, Poland, and Western Europe. La Strada, a Netherlands-based NGO, reported that Bulgarian women constituted one of the largest groups of victims of forced prostitution in Western and Central Europe. According to NGO sources, as many as 10,000 Bulgarian women, many from the Romani community or under the age of 18, could be involved in international trafficking operations. A 2001 report from the ILO's International Program on the Elimination of Child Labor estimated the number of child prostitutes at 3,800 based on rough data from police and from skin and venereal disease clinics. There were no official statistics; however, law enforcement authorities believed that the number was approximately 3,500. The AAF reported that from January to June it assisted 53 female victims of trafficking, of whom 11 were adolescents. The Romani community, with limited economic opportunity, was disproportionately represented. The bulk of clients were assisted by an AAF help line (see Section 5).

Girls and young women often were approached by persons who gained their trust, frequently other young women and acquaintances or persons introduced by mutual friends, who described glamorous work opportunities abroad. Some were sold into bondage to traffickers by relatives. Victims of trafficking ranged from those who were deceived into believing that they would have good and respectable employment to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they would be subjected. Unaccompanied young women trying to cross the border into Macedonia, Romania, or Turkey reportedly could be at some risk of being abducted into trafficking. There were reports of women or girls who were denied access into Turkey for lack of a visa or means to pay for one being befriended by traffickers or abducted by taxi drivers at the border and sold to traffickers. Organized crime groups were responsible for human trafficking, although they could use various front companies to pose as employment agencies or tour operators.

The process of transforming girls into prostitutes generally took place before they left the country. The women typically were taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east were kept in the country for several weeks where they were subjected to psychological and physical abuse to make them more submissive before they were transported to their destination points. Once the women left the country, their identity documents were taken away, and they found themselves

forced to work as prostitutes in cities across Europe. Victims routinely reported that traffickers took away their passports and visas and forced them to stay illegally in countries. The women were required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punished women severely for acts of disobedience and threatened the women's families and family reputations to ensure obedience.

It was widely believed that some law enforcement officers or other government authorities were complicit in human trafficking, including local authorities, border police officers, and customs officials. The bulk of involvement appeared to consist of accepting bribes to look the other way, although some officers could have been more involved. Those involved in facilitating trafficking overwhelmingly were low-level, low-paid officials in the provinces and border regions. While in principle the Government took the problem of trafficking seriously, in practice it used ineffective methods and had a weak record in investigating and prosecuting corruption or misconduct in the police (*see* Section 1.c.).

The Government did not have a witness protection program, and witnesses often feared retaliation if they testified. The Government had a provision for victims to provide an anonymous sworn deposition to be used in court, but an anonymous deposition was required to be corroborated to obtain a conviction. Victims generally were not jailed, although they could be detained for brief periods for questioning until referred to an NGO for assistance and repatriation. Victims who were not in legal immigration status and who did not accept voluntary NGO-assisted repatriation were deported.

The Government did not assist victims of trafficking who returned to the country, and there were few social benefits for such victims. Many victims of trafficking and forced prostitution were too young to have worked previously, which disqualified them from receiving social security assistance. If victims were runaways with no registered address, they were ineligible for humanitarian assistance. Many victims also largely were ineligible for government assistance programs, most of which were in some way tied to previous employment status. The International Organization for Migration (IOM) assisted victims in meeting short-term needs and arranged for repatriation to the victim's home country.

Prevailing public attitudes often stigmatized victims, although there were some signs that this could be changing slowly. The AAF operated a 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The hot line also provided volunteers to assist victims in obtaining other necessary services including medical exams and treatment, reissued identity documents, and information on housing and employment opportunities. The AAF also operated a short-term emergency shelter for women and children who were victims of violence.

The Government did not operate any trafficking prevention programs. The IOM continued its trafficking awareness campaign that began in 2000. However, during the year, the IOM stated that the Ministry of Education did not cooperate fully in its effort to institutionalize awareness programs for teenagers in classrooms.

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. President Stjepan Mesic (formerly of the Croatian People's Party, but now independent) was elected in February 2000 to a 5-year term. International observers characterized the elections as "calm and orderly," noting that, in general, "voters were able to express their political will freely," although there were some problems. The President serves as Head of State and commander of the armed forces and nominates the Prime Minister who leads the Government. Iвица Račan of the Social Democratic Party (SDP) is Prime Minister. In January 2000 parliamentary elections, a democratic coalition defeated the then-ruling Croatian Democratic Union (HDZ) party. The Organization for Security and Cooperation in Europe (OSCE) observers stated that the parliamentary elections represented "marked progress" toward meeting OSCE standards. The combination of a new President, a democratic coalition in Parliament, and constitutional reforms in 2000 increased the transparency of the role of the President and government. The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from inefficiency and funding problems, as well as some political influence at the local level.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security; but, in times of disorder, the Government and President may call upon the army to provide security. Civilian authorities generally

maintained effective control of the security forces. Security forces committed a few abuses.

The Government has pursued economic reforms including privatization, public sector reductions, pension reforms, anticorruption legislation, and reforms of banking and commercial laws. In June 2001, the Government adopted a development strategy to transform socialist-era structures into a functioning market economy. The population of the country was 4,437,000 and per capita gross domestic product was approximately \$4,994, an increase of 8 percent over 2001. The International Labor Organization (ILO) estimated that the unemployment rate was approximately 15 percent.

The Government generally respected the human rights of its citizens; however, although there were some improvements, serious problems remained. There were instances of arbitrary arrest and lengthy pretrial detention. The Government continued to arrest and charge persons for war crimes committed during the 1991–95 conflicts in Bosnia and Croatia. Domestic courts continued to adjudicate war crimes cases, taking steps to depoliticize cases against ethnic Serbs and opening or reopening investigations of members of Croatian military forces. However, ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. Reforms in the courts and prosecutor's offices resulted in some improvements in the judiciary; however, courts convicted persons in mass trials and in absentia, particularly in Eastern Slavonia. The courts continued to be subject to some political influence and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. At times the Government infringed on privacy rights; restitution of occupied property to refugees (mostly ethnic Serb) returning to the country remained slow and problematic.

The Government generally respected freedom of speech and press; however, a few problems remained. Unlike the previous regime, the Government did not interfere politically in the media's editorial decisions; however, at the local level, political pressure on the media continued, and an estimated 1,200 libel lawsuits against journalists remained pending due to backlogs in the judicial system. A new Law on Associations reduced governmental interference in the formation and operation of associations and nongovernmental organizations (NGOs) and created tax incentives for donors supporting them. The Government generally respected freedom of religion; however, restitution of nationalized property remained an unresolved problem for the religious communities. Lack of progress on private property restitution and resolution of the right to previously socially-owned property, along with severe economic difficulties in the war-affected areas, continued to impede returns of refugees. Cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) was on track until September, when the Government refused to fulfill its obligations as ICTY's agent in the case of indicted former General Bobetko; by year's end, the Government took actions to come into formal compliance with ICTY procedures, although the final outcome of the case was pending.

Violence and discrimination against women persisted. There were some incidents of violence and harassment of religious minorities. Ethnic minorities, particularly Serbs and Roma, faced serious discrimination, including occasional violence. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. Trafficking in women was a problem. Croatia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no arrests in the 2000 killing of Milan Levar, a former police officer who had provided information to the ICTY tribunal about the 1991 massacre of civilians in the town of Gospic.

Throughout the country, the bodies of 3,356 victims missing from the 1991–95 war have been exhumed from mass and individual graves (*see* Section 1.b.).

Domestic courts continued to adjudicate cases arising from the 1991–95 conflicts in Croatia and Bosnia. Courts opened and reopened several war crimes cases involving Croatian forces, but despite their increased number, questions remained about the criminal justice system's ability to conduct fair and transparent trials in these complex and emotionally charged cases. Observers blamed inadequate training, shortcomings in the legal code, chronic witness intimidation, and an often-hostile local public as hampering the war crimes process.

In December 2001, four Croatian police officers were acquitted of war crimes charges for killing six prisoners of war in 1991 in Bjelovar. A key prosecution witness changed his testimony at the trial, and the presiding judge accepted the changed testimony without question. There was widespread speculation that the witness was pressured to change his testimony. In January the Bjelovar county prosecutor filed an appeal, which remained pending at year's end. In a closely related case at the same court, in January three of the same four police officers were found guilty of torturing imprisoned Serb civilians in 1991 in Virovitica; the fourth defendant was acquitted. They were each sentenced to 1 year in prison. In February the defendants' attorney filed an appeal with the Supreme Court, which remained pending at year's end.

In September the retrial of Mihajlo Hrastov, a former member of the Karlovac Police Special Forces, for the murder of 13 Yugoslav National Army prisoners of war near Karlovac in 1991, ended at the Karlovac County Court in acquittal. The Court accepted the defendant's claim that he had acted in self-defense. The same court had acquitted Hrastov of the same charge in a politicized trial in 1992. Although the retrial began in 2000, it was restarted twice, first in 2001 and again in 2002 due to excessive delays between hearings. In addition, the retrial did not begin for more than 3 years following the Supreme Court's decision ordering a new trial. A prosecution decision on whether to appeal the acquittal was pending at year's end.

The trial of four retired Croatian soldiers, charged with killing two elderly Serb civilians near Sibenik in 1995, ended with their acquittal in September. The Court based its decision on a lack of material evidence and eyewitnesses. The prosecution announced its intention to appeal the ruling and seek a retrial. The case drew public attention when a lay judge excused himself under suspicious circumstances just as the verdict was to be rendered. The trial was accompanied by allegations of intimidation of international and domestic court observers.

In November the high-profile "Lora" war crimes case against military police officers indicted for torture and murder of ethnic Serbs in the Lora naval prison in Split in 1992-1993 ended with the acquittal of all eight defendants. The presiding judge, Slavko Lozina, acknowledged that there had been torture in the prison and that two people had died but stated that there was no evidence against the defendants. He also publicly refused to qualify mistreatment cases as war crimes, claiming that no war crimes were possible given that opposing forces did not occupy Split, and that the Serb prisoners were Croatian citizens. The Prosecution announced that an appeal would be made upon receipt of the written verdict, which was pending at year's end. Local NGOs monitoring the trial, including the Center for Development of Democracy and Altruism, expressed concern over perceived breaches in legal procedure, such as the court's decision not to admit as evidence witness statements taken in court in Belgrade. There were numerous other irregularities in the trial, including threats against witnesses and their families and Lozina's July order releasing from detention the defendants, two of whom failed to return when ordered back into detention by the Supreme Court. Lozina's handling of the case led to charges of obstruction of justice and favoritism toward the defense. Both the Ministry of Justice and the Supreme Court launched inquiries into the behavior of Judge Lozina, although no official sanction had been issued by year's end. The Dalmatian Human Rights Committee, a local NGO, urged the Government to investigate the allegations about torture and murders in Lora prison and assisted efforts to locate witnesses, many of whom reside in Yugoslavia and Bosnia. Key prosecution witnesses refused to travel to Split from Yugoslavia because of the judge's perceived bias and fears that their security could not be guaranteed.

In contrast, the war crimes trial against five persons (including Tihomir Oreskovic and Mirko Norac) for the 1991 massacre of ethnic Serb civilians in the town of Gospic appeared to proceed fairly and smoothly. The trial began in 2000, and in September the maximum 2-year detention expired for two defendants, including Oreskovic. The Supreme Court, however, ruled that the newly revised Criminal Procedure Code permitted extending the period of detention to 3 years in the case of such grave crimes, and both defendants were returned to prison. In September court officials traveled to Belgrade and in October to Germany to hear testimony by witnesses, who had fled Gospic during the war, and dismissed a defense motion that the Belgrade testimony be barred because it was delivered in Yugoslavia. In September the County Prosecutor in Rijeka requested an investigation into one of the defendants in the Oreskovic case, Ivica Rozic, who was accused of planting explosive devices in the homes of Serb returnees in the Gospic area between 1996 and 1998. The County Court in Gospic was conducting an investigation at year's end.

In July the Karlovac County Court convicted and sentenced Bosnian Muslim warlord Fikret Abdic to 20 years in prison, the maximum sentence available. Evidence provided by Bosnian authorities implicated Abdic in the deaths of 121 civilian de-

tainees and 3 military prisoners between 1993 and 1995 in prison camps set up by Abdic in northwestern Bosnia.

In 2001 the Constitutional Court ordered a retrial in the case of former Croatian policeman Antun Gudelj, who was convicted and then improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir. At the time of his death, Reihl-Kir had been negotiating between ethnic Croats and Serbs to ease tensions in the region. In December 2001, the Government sought Gudelj's arrest and extradition from Australia, where he has resided since 1997; at year's end, bilateral legal discussions continued on this case.

In 2001 the Supreme Court ordered the release of two Bosnian Croat suspects who had been detained in connection with the 1993 Ahmici massacre in central Bosnia, after they had been held 6 months—the legal maximum for detentions—without charges. The 2000 retrial of 6 former Croatian soldiers charged with the 1995 massacre of 16 elderly Serbs in the villages of Varivode and Gosici was discontinued in February when the county prosecutor dropped the charges against the defendants due to a lack of evidence. No new suspects were indicted by year's end.

During the year, the Government took some steps to depoliticize cases against ethnic Serbs. The OSCE reported that at year's end it was monitoring 59 ongoing war crimes cases against ethnic Serbs. In October Zadar County Court sentenced Zorana Banic, an ethnic Serb accused of war crimes against civilians in Skabrnja in 1991, to 13 years in prison. In a previous in absentia trial she had been given a maximum 20-year sentence. The indictment included participation in the murder of 34 civilians. International monitors considered it a fair trial.

Courts continued the practice of convicting persons in mass trials. For example, the March 2001 mass trials in the "Tompojevci group" case resulted in absentia convictions on war crimes charges for 15 defendants, and in June the Supreme Court confirmed 9 of these convictions.

During the year, six persons were killed in landmine incidents, most caused by landmines laid during the 1991–95 war. The Croatian Mine Action Center reported that from 1991 through the end of the year, 1,395 land mine incidents were recorded in which 429 persons were killed.

b. Disappearance.—There were no reports of politically motivated disappearances.

Government figures at year's end showed that 1,317 persons (mostly ethnic Croats) remained missing in unresolved cases from the 1991–95 military conflict. The bodies of 3,356 victims have been exhumed from mass and individual graves since the war, including 253 during the year, of which 2,745 have been positively identified (including 147 during the year). During the year, there was significant progress on the exhumation and identification of the remains of ethnic Serbs as well as ethnic Croats. The Government cooperated and collaborated closely with the international community on exhumations and identifications of remains; during the year, the process focused primarily on ethnic Serbs (for example, 199 of the 253 exhumations in the first half of the year were believed to be ethnic Serbs). With the ICTY and international experts serving primarily as monitors, the Government handled most exhumations and identifications itself. For example, out of 23 exhumations during the year, of which 20 were mass gravesites, only 3 were conducted in cooperation with the ICTY. In September the Government signed an agreement registering the International Commission on Missing Persons (ICMP) as an intergovernmental organization; since 1996 the ICMP has worked in Croatia on recovery, identification of remains, and assisting the families of missing persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, mistreatment, or cruel or degrading punishment, and the authorities generally observed these prohibitions in practice.

Widespread ethnic tension between ethnic Serb and Croat police officers existed, particularly in the Danubian region, where some Croat officers were laid off in order to maintain proportionality in the ethnic mix of the police force as required by the 1995 Erdut Agreement. The Government appeared to fulfill its obligation under the Agreement to maintain "proportionality" in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia. Problems in the police force included poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and pressure from hard-line local politicians. These factors impeded development of local police capability.

Prison conditions generally met international standards. Jails were crowded, but not excessively, and family visits and access to counsel generally were available to prisoners. Men and women were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

The Government permitted visits by independent human rights observers, and such visits by both international organizations and domestic NGOs occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not always respect this right in practice. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes; such cases of arrests without warrants were not uncommon. The police then have 24 hours to justify the arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate appoints counsel. The magistrate must, within 48 hours of the arrest, decide whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days, but the Supreme Court may extend the period in exceptional cases (for a total of not more than 6 months, or 12 months in serious corruption/organized crime cases). Once the investigation is complete, detainees may be released on their own recognizance pending trial unless the crime is a serious offense or the accused is considered a public danger, may influence witnesses, or is a flight risk. Suspects generally were held in custody pending trial, and there were several cases of suspects held in pretrial detention for several months on weak evidence. The option of posting bail after an indictment is available but was not commonly exercised.

The Government granted amnesty under the 1996 Amnesty Law (which amnestied acts of rebellion by ethnic Serbs) to several individuals during the year, particularly returning ethnic Serb refugees. In July the State Prosecutor directed local prosecutors to review old war crimes cases to determine whether sufficient evidence existed to proceed with prosecution. Arrests of ethnic Serbs for war crimes continued but decreased throughout the year. During the year, 34 Serbs and 3 Croats were arrested on war crimes charges, and 21 Serbs and 13 Croats were released. In some cases of arrest on war crimes charges, the subject was released a few days after charges were dropped; however, in other cases, persons were detained for long periods. The inability of trial judges to issue written verdicts was the leading cause of detention beyond the legal 6-month limit. For example, in the Abdic case (*see* Section 1.a.), the county court issued a verdict in July; however, because no written verdict has been issued, the appeal process had not begun by year's end. Similarly, Miljan Strunjas, who was convicted in February in Karlovac County Court, appealed his case but remained in detention because there has been no written verdict. Over the last few years, several ethnic Serb defendants convicted in absentia or at nontransparent trials continued to be held in detention for extended periods while their appeals progressed slowly through the overburdened judicial system.

In April the Osijek County Court convicted six Serbs arrested in 2000 on war crimes charges. Two of the convicted persons remained in detention, and the others were released while their appeals were pending before the Supreme Court because the length of time they had been detained matched or exceeded the period of time to which they were sentenced.

Observers reported a decline in the practice of police summoning ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

The Constitution prohibits forced exile of citizens, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an autonomous and independent judiciary; however, the judiciary continued to suffer from some political influence, a backlog of nearly 1.4 million cases, and funding and training shortfalls.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections, and serves as the court of final appeal for individual cases. Justices of the Constitutional Court are elected for 8-year terms by Parliament, while all other judges are appointed for life. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of 11 members serving 8-year terms), which is independent of both the judiciary and the Ministry of Justice, is charged with the appointment and discipline, including removal, of judges. In the past, the State Judicial Council was criticized for making politically influenced decisions. A July 2001 law, which created a similar council for public prosecutors, enabled the well-respected Chief State Prosecutor to renominate

or replace the chiefs of municipal and county prosecutors' offices. The process of renominating or replacing the county court presidents—which was undertaken pursuant to the 2000 Law on the Courts—neared completion by year's end.

Judges are prohibited constitutionally from being members of political parties. Over the past 2 years, the judiciary was subject to far less political influence than previously, although there continued to be reports of political influence at the local level. Hard-line judges appointed by the previous government, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, also continued to be a problem. The greatest problems facing the judiciary were outmoded procedural codes and court rules, inexperienced judges and staff, bureaucratic inefficiencies, and funding shortfalls, which created a massive backlog of over 1 million cases, some dating back 30 years or more. The inexperience of young and newly appointed judges continued to be a problem, and there continued to be areas without permanent judges.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, at times citizens were denied these rights. Excessive delays, particularly in civil trials, remained a problem. Courts tried and convicted persons in absentia for war crimes. Courts convicted persons in mass trials and in trials with weak supporting evidence, particularly in Eastern Slavonia. In March 2001, mass trials in the "Tompojevci group" case resulted in the in absentia convictions of nine ethnic Serbs (see Sections 1.a. and 1.d.). In May the Osijek County Court convicted and sentenced in absentia 12 Serbs in the "Branjina" case. In June and July, the Vukovar County Court continued in absentia trials against 6 Serbs in the "Vukovar Group I" case and against 11 Serbs in a retrial in the "Bapska" case.

Activities that should have qualified for amnesty under the 1996 Law on General Amnesty were classified mistakenly and prosecuted as common crimes or war crimes, although this practice declined and was under review by the Public Prosecutor. For those who had previously exhausted their appeal procedures, there was no mechanism to review their cases.

Nevertheless, the courts continued to adjudicate war crimes cases arising from the 1991–95 conflicts in Bosnia and Croatia, initiated investigations into several allegations involving Croatian forces, and took steps to depoliticize cases against ethnic Serbs. For example, the chief State Prosecutor initiated a case-by-case review of war crimes cases and sought to limit sharply the use of in absentia proceedings. County prosecutors were under instructions not to initiate criminal proceedings or in absentia proceedings without consultation with the State Prosecutor.

In past cases regarding property claims, courts overwhelmingly favored ethnic Croats over ethnic Serbs, particularly in the Danubian region (see Section 1.f.).

At year's end, approximately 21 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials held under the previous regime. There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, at times the Government infringed on these rights with respect to the restitution of property.

Search warrants may be issued only by a court, which must justify the search. Police may enter a home without a warrant or the owner's consent only to enforce an arrest warrant or prevent serious danger to life or property. The Constitution provides for the secrecy and safety of personal data, and the Government generally respected these provisions in practice.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem. The Government continued to give preference to the rights of temporary occupiers (mostly ethnic Croats) over those of the legal owners. Few property owners were able to recover their prewar dwellings and the issue of former-tenancy rights holders of socially-owned property remained largely unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments.

Despite a 1998 Constitutional Court ruling that declared several elements of the Law on the Temporary Takeover of Specified Property unconstitutional, the many thousands of ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, remained unable to access their property. In July 2001, the Government completed a case-by-case review of housing units that were distributed for temporary occupancy by the previous regime (often homes of ethnic Serbs who fled the conflict that were allocated to Bosnian Croat settlers). The housing survey provided data to facilitate eventual returns and property restitution; at year's end, 7,099 of 18,396 housing units remained occupied. Many of the occupants of these units were subject to immediate eviction, either because they had received reconstruction assistance for their own houses or because they were multiple or illegal

occupants. However, in practice evictions rarely were implemented, and in most cases they were postponed, rescheduled, or simply not scheduled at all. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes.

Local housing commissions, which previously either failed to resolve housing disputes or were powerless legally to implement their decisions, were dismantled by the end of August as a result of July amendments to the Law on Areas of Special State Concern (LASSC). The commissions were municipally based administrative bodies, significantly influenced by the local environment and in many cases highly politicized and unable to represent legitimate owners in court proceedings. In September the Government's Office of Displaced Persons and Refugees assumed responsibility for property repossession. The State Attorney is responsible for conducting the eviction process against those who are illegally occupying houses. Despite orders from the national government, local authorities often did not initiate lawsuits against individuals who refused to vacate occupied premises. In some cases, the Government discouraged returns by failing to furnish reconstructed houses with basic utilities. In a few instances, returnees who gained access to their property were held responsible for water and power bills incurred by temporary occupants, and the authorities refused to reconnect the services until the bills were paid. Many ethnic Serb returnees also were unable to move into looted and devastated homes that the Government defined as habitable.

The amended LASSC may accelerate the process of legally resolving property restitution cases, but it provides no guarantee to claimants that they can physically repossess their property, and there were no mechanisms to implement the new legal provisions. According to the OSCE and UNHCR, there were no new cases in which the occupancy permission had been terminated and the occupant failed to accept alternative accommodation that had been transferred to the State Attorney to initiate a new civil action for eviction. The LASSC still subordinates the rights of private property owners to those of temporary occupants by making property repossession conditional on provision of alternative accommodation for the temporary occupant.

During the year, the Government significantly accelerated processing of claims by ethnic Serbs for reconstruction assistance. July amendments to the LASSC stipulated a timeframe for recipients of alternative housing assistance to complete construction or reconstruction and to vacate occupied properties. Under the amendments illegal or double occupants were given up to 60 days to vacate or face eviction. The amended law obligates the Office of Displaced Persons and Refugees (ODPR) to make decisions on repossession in favor of legitimate owners who applied for repossession by December 31. The amended law further obligates the Government to pay compensation to the legitimate owners if it fails to reconstitute their properties by December 31. Several hundreds of temporary occupiers voluntarily vacated properties after receiving letters from ODPR warning of eviction.

An ongoing problem was the existence of "priority category" citizens, i.e., active or former members of the military and widows and orphans, whom courts and housing commissions were unwilling to evict. Ethnic Croat homeowners wishing to return to their property in the Danubian region generally were able to recover their homes by evicting the ethnic Serbs occupying them.

The Government did little to address the issue of former tenancy rights holders. These persons typically resided in socially-owned apartment units under the pre-1991 Communist system and paid contributions into a social property fund, often for many years. Thousands of persons who fled during the conflict lost their claims to their apartments due to their temporary absence. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to reclaim their tenancy rights or because they had lived in parts of the country occupied by the rebel Serb para-state and missed the chance to purchase their prewar apartments.

Occasional incidents of attacks against property and arson related to housing disputes were reported during the year (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government generally respected these rights in practice. The constitutional provisions specifically include freedom of the press and other media, speech and public expression, and the free establishment of institutions of public communication.

The Government did not interfere in the editorial decisions of the print media; however, electronic media were susceptible to political pressure since most of them were at least partially owned by local government.

Tisak, a once-profitable government monopoly with 1,700 news kiosks, was privatized in 2001. It continued to distribute approximately 75 percent of the print media. There were no reports of problems with distribution due to Tisak's position in the market. Foreign newspapers and journals were available in urban areas throughout the country; however, due to their high cost, they remained largely inaccessible to many persons.

Problems with implementation of a February 2001 law reforming government-owned Croatian Radio and Television (HRT) led the Government in December to propose to Parliament a law to make HRT a public service broadcaster. The proposed law is intended to reduce political influence on HRT by eliminating Parliament's ability to appoint a Board of Directors. The OSCE was concerned that the new law does not sufficiently safeguard the appointment process to HRT's Broadcasting Council from parliamentary influence. In December the Government's Radio and Television Council announced a public tender process to lease the third HRT channel.

An October 2001 law transformed HINA, the Government-owned news agency, into a public institution, which is to be financially independent and operated on a commercial basis outside the national budget; however, during the year, the Government still provided most of HINA's funding. The October 2001 media law also obliged all media to make their ownership structures public by January; however, whereas there were 1,600 registered print media companies alone, only 61 media companies made their ownership structures known by the deadline. Despite the various reforms, a truly independent nationwide television news and entertainment station did not yet exist by year's end.

Over 60 percent of the population continued to rely on government-run HRT's evening *Dnevnik* program for television news. While privately owned TV Nova reached more than 75 percent of the population during the year, it was primarily an entertainment station and carried little news programming. A network of independent local television stations produced a competing nightly news program *Vijesti* that reached 65 percent of the country's territory. The HRT continued to be the sole beneficiary of revenue from government taxes on television users. These subsidies created an advantage over independent television stations whose financial resources and ability to purchase programming were limited. Similar problems existed in radio broadcasting. The Catholic Church operated one of the few private national radio stations.

A May 2001 Penal Code amendment decriminalized the offense of libel, resulting in a lower filing rate of such cases. An estimated 1,200 libel cases from previous years remained unresolved due to the slow and inefficient judicial system. Most cases that reached a verdict during the year apparently were decided fairly. Sections of the Penal Code that authorize prosecution of journalists who publish "state secrets" remain in force; however, there were no reports of these laws being used during the year.

In September the Croatian Association of Disabled Veterans of the Homeland War blocked distribution of the *Osijecki Dom* daily in Osijek for 3 days because it published a list of 3,000 "disabled" veterans, many of whom were alleged to be receiving benefits improperly.

Access to the Internet was available and unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law permits assembly for registered demonstrations at approved locations; while the process for approving or denying the registration of an assembly is not transparent, there were no reports that it was used discriminatorily. During the year, there were several peaceful demonstrations and marches throughout the country organized by labor groups, farmers, and war veterans' groups opposed to government policies (*see* Section 6.b.).

The Constitution provides for the right of association, and the Government generally respected this right in practice. Observers reported that an October 2001 law regulating associations and NGOS had eased the registration process, minimized governmental interference, and eliminated unequal treatment of international and domestic associations. The new law also encourages private funding of NGOs by granting tax exemptions to donors. In January new procedures for NGO registry entered into force. The registry for the first time made information on the country's NGOs available electronically to the public.

c. Freedom of Religion.—The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government generally respected these rights in practice. No formal restrictions are imposed on reli-

gious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions.

There is no official state religion; however, the Roman Catholic Church received some state support and other benefits established in concordats between the Government and the Vatican. For instance, the Catholic Church received direct subsidies, as well as state financing for some salaries and pensions for priests and nuns through the Government-managed pension and health fund. Pursuant to the Law on the Legal Status of Religious Communities, in December the Government signed agreements with the Orthodox Church and the Islamic community modeled on the Catholic concordats. State financing of salaries of religious workers; provision of spiritual counseling in state institutions such as the army, police, and prisons; and the recognition of religious marriages were among the main points of the agreements. Similar agreements were planned for the Jewish community and the Evangelical and Baptist churches.

Catholic, Islamic, and Orthodox marriages are recognized by the State, eliminating the need to register them in the civil registry office.

The Ministry of Defense employed 16 full-time and 5 part-time Catholic priests to tend to Catholics in the military; however, no clerics of other denominations, including Orthodox or Muslim clerics, were employed as chaplains. The December agreements allow the military to add one Muslim and five Orthodox clergy members as chaplains. In September the Government signed a new Protocol and Agreement on Mutual Relations with the Catholic Church, which among other things regulates spiritual counseling in penitentiaries, prisons, and correctional institutions. The new agreements with the Orthodox Church and Islamic communities also permit spiritual counseling in penitentiaries, prisons, and correctional institutions.

The Government requires that religious training be provided in schools, although attendance is optional; however, in general, the lack of resources and qualified teachers impeded instruction in minority faiths, and the Catholic catechism was the one predominantly offered. Under the Law on Religious Communities, enacted in July, Catholic religious education was introduced in kindergartens across the country in the fall. The decision prompted public discussion and criticism by representatives of some other religious communities and political parties. The agreements with the Orthodox Church and Islamic community allow for religious education in schools where there are a minimum of seven coreligionists of either the Orthodox or Islamic faith.

Restitution of nationalized property remained a problem. Restitution to the Catholic Church is regulated by a 1998 concordat with the Vatican. The new agreements with the Islamic community and Orthodox Church provide for establishing joint commissions with the Government that would meet annually to resolve property, legal, educational, and cultural issues. The joint commissions are based on the "concordat" model established between the Catholic Church and government. The Orthodox Church—the second largest claimant of property after the Catholic Church—has repossessed a significant amount of business property in Zagreb, as well as some property in Rijeka and Osijek. However, several buildings in Zagreb, Karlovac, and other towns had not been returned, nor had properties that belonged to monasteries, including forests and arable land. Similarly the Jewish community has had only partial success in recovering its properties. Negotiations with the Government's Office for Property Repossession on three buildings in Zagreb, Ravna Gora, and Crikvenica were unsuccessful, and no property was returned during the year. In July—1 year after the Constitutional Court's deadline—Parliament enacted a law extending compensation to foreigners whose property was confiscated between 1945 and 1991, as long as the individual's government has a reciprocal agreement with the Government of Croatia. The new law does not cover wartime property seizures from 1941–1945 or from 1991–1995. In addition, those compensated under previous treaties are precluded from receiving additional compensation.

According to OSCE and other reporting, Orthodox churches and property in war-affected areas, particularly in Osijek and Slavonski Brod, were repeatedly attacked throughout the year. In March 18 icons were stolen from St. Nicholas Orthodox Church in Kistanje; in the same month, a group of young people harassed orthodox monks and students at the Krka monastery near Kistanje. While there was prompt police intervention, no arrests were made. Cemeteries in the Karlovac area were damaged and desecrated several times during the year. In September tombstones in a cemetery in Vukovar were damaged—marking the seventh such incident at the cemetery. In August fascist Ustasha symbols were painted on the Serb Orthodox church in the city of Split.

In August police failed to act in Sibenik when cars were used to block the entrance to church offices and prevent the local Bishop from exiting the building. Also in Sibenik in August, no charges were brought against a person who was detained

for repeatedly throwing garbage and verbally abusing an Orthodox priest. In September arsonists set fire to a building of the Orthodox Church in Osijek; in a separate incident in Osijek, the Church of St. Nicholas was vandalized.

Unlike in previous years, Muslim leaders reported no serious discriminatory incidents.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the “legal order, health, rights, or freedoms of others.” All persons must register their residence with the local authorities; however, no problems were reported with registration.

There were no reports that the Government revoked citizenship for political reasons. The Government’s procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved during the year; however, there were regular reports of obstruction by some local officials. In Donji Srb, many Serb returnees experienced difficulties in obtaining identity cards and other forms of documentation that would allow them to verify their citizenship status. The municipal government in Gracac obstructed returns to Donji Srb and other municipalities under its jurisdiction while at the same time providing immediate assistance to ethnic Croat settlers from Bosnia who continue to arrive in the municipality. By the end of November, in returns organized by the U.N. High Commissioner for Refugees (UNHCR) or the Government, 10,748 persons who were refugees in Yugoslavia and Bosnia-Herzegovina returned to Croatia. According to the UNHCR, approximately 113,582 refugees (mostly ethnic Serbs) have returned to Croatia (mostly from Bosnia-Herzegovina and Yugoslavia but also from other countries) since 1995.

Procedural improvements in refugee clearance eliminated arrests of those returnees who had been advised by the Interior Ministry that they faced no legal processes. However, international observers remained concerned that arrests of ethnic Serbs for war crimes, often based on weak evidence (*see* Section 1.d.), particularly of those who have newly returned, dissuaded some refugees from returning. The Ministry of Interior reinstated the permanent residency documents of more than 380 Croatian Serb returnees who were considered noncitizens. These returnees may now regularize their status, obtain identity documents, and apply for citizenship through naturalization.

A significant number of internally displaced persons remained in the country, although not all are under the Government’s direct care. In August UNHCR reported that there were 17,486 internally displaced persons in the country (75 percent from the Danubian region) and 8,202 refugees (mostly from Bosnia-Herzegovina). These numbers did not reflect fully an additional 140,000 former refugees (nearly all ethnic Croats from Bosnia-Herzegovina) who have become citizens and residents of Croatia.

Despite an ongoing government program to repair thousands of damaged homes in the Danubian region, government officials, NGOs, and international observers assessed that the returns process was nearing its completion in that region without most communities reaching their prewar population levels. While ethnic tensions continued in the Danubian region, the overall security situation was stable (*see* Section 5). The largest disincentive to returns was the poor state of the regional economy.

President Mesic and Prime Minister Racan continued to make public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. In March 2001, the Government approved a set of policies (the “Knin Conclusions”) to address social and economic problems in the war-affected areas; however, few of the policies had been implemented by year’s end. In May the Government’s Coordination Body, established in 2001 to address issues in the war-affected areas, convened and formed joint working groups with representatives of the international community to address legislative and economic issues to facilitate returns. The working groups met frequently during the year, but their progress was very slow. Significant legislation was enacted concerning the restitution of property, but administrative and legal barriers slowed implementation (*see* Section 1.f.). The greatest obstacle to the return of Croatian citizens is their inability to regain access to their prewar homes and properties. Mechanisms for the return of private property worked best in the Danubian region where returnees tended to be ethnic Croats seeking to regain their homes from ethnic Serb occupants. Most other instances of

restituted property occurred pursuant to a private agreement between owner and occupier.

In 2000 the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation was provided for the evictee. Despite this decision, courts and local housing commissions continued to rely on the quasi-legal 1998 Program on Return for guidance on eviction decisions. This practice reinforced the precedence of temporary occupants over that of property owners. The July amendments to the LASSC introduced measures designed to facilitate property repossession, but the underlying principle for property repossession remains that temporary occupants must be provided accommodation prior to repossession of property by owners. Because the law continues to subordinate the rights of private property owners to those of temporary users, it falls short of international standards and violates the right to ownership as provided for in the Constitution.

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

The Government implemented some, but not all, provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A new Law on Asylum, drafted in 2001 with the support of the UNHCR, that would implement fully the U.N. standards continued to move through the legislative process but by year's end had not yet been adopted. The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees. The Interior Ministry processes asylum seekers separately under the Law on Movement and Stay of Aliens, and persons seeking refuge are given "temporary protection" rather than refugee status. This status does not include all of the protections afforded a refugee. For example, a person with temporary protection status does not have the right to work, although many are provided with emergency health care and temporary accommodation. During the year, the Government did not grant asylum status to any of approximately 97 asylum seekers, despite positive recommendations from the UNHCR in several cases. These individuals were permitted to remain in the country only until their asylum claims were rejected, at which time they were ordered to depart the country, although none were deported or forcibly returned to a country where they feared persecution.

Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections; however, there were a few irregularities in the 2000 presidential and parliamentary elections. Citizens over 18 years of age have the right to vote by secret ballot. The Constitution limits the president to two 5-year terms. President Stjepan Mesić was elected in February 2000 to a 5-year term to replace Franjo Tuđman, who died in office in December 1999. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely"; however, there were problems. The Citizenship Law and electoral legislation grant citizenship, and thereby the right to vote, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country. However, in 2000 the Government failed to ensure that many Croatian Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, could document their Croatian citizenship in order to vote and ultimately to return.

In March 2001, constitutional amendments abolished the upper house of Parliament (the House of Counties); there was little practical effect since the upper house had few real responsibilities. The now unicameral legislature, the House of Representatives, has 151 elected members. In January 2000 parliamentary elections, an opposition coalition led by the SDP won a parliamentary majority, ending 10 years of HDZ party rule. OSCE monitors characterized the voting as having made "marked progress" toward meeting OSCE standards. However, some concerns about the electoral process remained, including the underrepresentation of ethnic minorities. In July Prime Minister Račan resigned and was reappointed in a realignment of the Government due to changes in coalition partners.

In May 2001, nationwide elections were held for local offices (town, municipal, and county level). OSCE monitors assessed that the elections "were conducted generally in accordance with OSCE commitments," noting that "this assessment confirms the improvements noted during the 2000 elections. However, shortcomings remain." Observers reported participation by a broad spectrum of parties, the generally balanced media coverage, and the calm atmosphere on election day. Concerns included the hurried last-minute drafting of the election law, provisions on minority representation that do not clearly spell out procedures for achieving minority balance in local

bodies, the lack of a permanent state electoral commission, the lack of transparency in parties' campaign expenditures, and the lack of regulations for campaign financing. A new "Constitutional Law" on National Minorities adopted by the Parliament in December stipulates that ethnic minorities must be represented in local government bodies, provided the census shows that the minority group constitutes at least a specified percentage of the local population. However, minority groups will remain under-represented in 79 municipalities and 9 counties until the next local-level elections are held in 2005. In addition, the 1991 Citizenship Law—which is disadvantageous to nonethnic Croats—still has not been amended to create equal citizenship conditions regardless of ethnicity.

There were no legal restrictions on participation in government or politics by women, and women held 33 of 151 parliamentary seats and 4 of 23 cabinet positions. In the judiciary, 4 of 13 Constitutional Court and 19 of 41 Supreme Court justices were women.

There were no legal restrictions on participation in government or politics by minorities, and minorities held 11 of 151 seats in parliament. The electoral law reserves five parliamentary seats for ethnic minorities; the remaining six minority parliamentarians were elected from party lists, not based on their ethnicity. The new Constitutional Law on National Minorities, enacted in December, reserves up to eight minority seats in the next legislature. On the local level, in the May 2001 elections, several ethnic Serbs were elected mayors of towns in the war-affected areas, particularly in those towns experiencing the greatest number of refugee returns and consequent demographic shifts. Ethnic Serb candidates from various parties (including the ethnically-based Independent Serb Democratic Party and Serbian People's Party, as well as the SDP) won 264 seats at the town, municipal, and county levels in the May 2001 elections, and ethnic Serbs joined the governing coalitions in at least 13 towns. In Vukovar in February a local Serb party joined the new governing coalition that came into power when the previously governing right-wing coalition broke up.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. The Dalmatian Committee for Human Rights, an NGO in Split, was instrumental in encouraging the reopening of the investigation of war crimes committed at the Lora naval stockade in Split. Several human rights NGOs in Split monitored the "Lora" trial, provided public information, and assisted witnesses to come forward and testify. In April the European Roma Rights Center, with support from the Croatian Helsinki Committee, filed a legal complaint challenging the segregation of Romani children into separate classes based solely on their ethnicity in four schools in northern Croatia.

A new Law on Associations went into effect in January and greatly enhanced the ability of NGOs to register and operate without undue government interference (see Section 2.b.). There were no reports of government harassment of NGOs, and the Government's office for cooperation with NGOs, while operating with limited resources, was active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In many municipalities, there was excellent cooperation between NGOs and local government officials; however, a lack of follow-through on central government commitments by local authorities continued to be a problem in some municipalities.

International organizations, including the European Union Monitoring Mission, OSCE, UNHCR, and the U.N. High Commission for Human Rights, operated freely.

Generally good cooperation with ICTY improved until late September, when the Government refused to fulfill its international obligations as ICTY's agent in the arrest and transfer of indicted retired General Janko Bobetko. In November the Government delivered the indictment to the local court. The court notified the Government, and the Government notified ICTY that, based on the findings of a local medical panel, Bobetko was too ill to participate in the proceedings, and at year's end, he remained in Croatia awaiting assessment by an ICTY-appointed medical team. Questions also arose about the Government's diligence in tracking down 2001 indicted Ante Gotovina. The failure to fulfill promptly its international obligations in the Bobetko case and the lack of progress in locating Gotovina called into question the Government's willingness to cooperate with the ICTY in pursuing war crimes cases involving prominent Croatians.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints. Because it is a parliamentary rather than executive of-

office, the Ombudsman's authority to order compliance from government ministries is limited.

Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked specifically with human and minority rights and a separate gender equality committee that met periodically throughout the year to discuss topics and legislation within their purview (see Section 5).

The Government's human rights office—inaugurated in December 2001—is responsible to Deputy Prime Minister Ante Simonic in developing, coordinating, and implementing the Government's human rights activities. The Government's Coordinating Body to address refugee returns and housing reconstruction in war-affected areas and representatives of the international community met several times during the year in working groups; however, substantive progress was slow.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. Additionally members of all national groups and minorities shall have equal rights. While most of these rights generally were observed in practice, discrimination against women, Serbs, and Roma continued.

Women.—Although the Government collected only limited statistics on the problem, credible NGO observers have reported that violence against women, including spousal abuse, remained a widespread and underreported problem. Alcohol abuse and poor economic circumstances were cited as contributing factors. Rape and spousal rape are illegal under the Penal Code; however, NGOs reported that many women do not report rape or spousal rape. The only women's shelter is in Zagreb.

The law provides that a domestic violence case can be initiated by persons other than the victim; for example, cases can be initiated on the basis of suspicions of health care workers or police rather than requiring the victim to press charges. A Penal Code provision directs that perpetrators of family violence, in addition to being punished, be placed under supervision and receive psychiatric treatment. The Law on Misdemeanors extends detention (for up to 30 days) of perpetrators of family violence, even during the defendant's appeal.

The country is a transit route as well as a lesser source and destination country for trafficking in women for the purposes of sexual exploitation (see Sections 6.f.).

Workplace sexual harassment is a violation of the Penal Code's section on abuse of power but is not specifically included in the employment law. NGOs reported that in practice, women who were sexually harassed often did not resort to the Penal Code for relief for fear of losing their jobs.

The labor law prohibits gender discrimination; however, in practice women generally held lower paying positions in the work force. Government statistics from previous years showed that, while women constituted an estimated 46 percent of the formally employed work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of workers. Anecdotal evidence gathered by NGOs suggested that women held the preponderance of low-level clerical, labor, and shopkeeping positions. Union officials reported that—taking into account the informal economy—women's share of the total work force may be as high as 66 percent. Women constituted a larger proportion of unemployed—54 percent—and pension statistics indicated that women's salaries averaged 26 percent less than those of their male counterparts. Union officials reported that it was difficult to identify and resolve wage disparities in the work place based on gender because the Government did not disaggregate wage statistics by sex. Women often were among the first to be laid off in times of corporate restructuring. The Labor Code authorizes 1 full year of maternity leave.

Government efforts to promote gender equality continued. The Government Committee for Gender Equality drafted two new laws—on gender equality and on protection against violence in the family—both of which were pending parliamentary action. The Committee also initiated and secured financial support for regional gender equality bodies, which were established in several counties. In December 2001, the Government inaugurated a new human rights office (see Section 4), and an existing unit on gender equality within the Labor Ministry was upgraded and attached to this office. Tasks of the Labor Ministry office included implementation of the 2001–05 National Action Plan on gender equality and the coordination of tasks among ministries, parliamentary offices, unions, and the NGO community to promote gender equality. The Parliament's Gender Equality Committee initiated changes to the Defense Law and to the Law on Armed Forces, passed in May and March, which introduced a gender equality committee at the Ministry of Defense's Personnel Council and listed sexual harassment as a disciplinary violation. The committee

supported important changes to the Law on Criminal Proceedings, which for the first time introduced the instrument of a restraint order and obligatory psychosocial therapy in family violence cases. The Small and Medium Enterprise Incentive Law enacted in March contains provisions promoting women's entrepreneurship.

The Croatian Women's Network, a women's NGO network registered in February and based in Porec, coordinated the activities of 50 NGOs from across the country. There were several NGOs based in Zagreb that had national impact, two of which were: The Rosa Center for Women, which deals with trafficking and violence against women and is putting together a national network, and B.A.B.E., which focuses on legal assistance, legislative drafting, and political participation.

Children.—The Government is generally committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children. The majority of students continue their education to the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Croatian Romani children begin primary school, and of these only 10 percent go on to secondary school. In Medjmurje County, local officials allegedly operated segregated classrooms for Romani children, reportedly with a reduced and simplified curriculum. In September the Cakovec County Court rejected as unfounded a lawsuit filed in April by the European Roma Rights Center on behalf of 52 parents of Romani school children, who claimed discrimination in education and segregation of their children in Medjmurje County. In October the Romani parents participating in the lawsuit filed an appeal with the Constitutional Court. Subsidized daycare facilities were available in most communities even for infants. Medical care for children is free.

While there is no societal pattern of abuse of children, NGOs operating hot lines for sexual abuse victims reported numerous cases of abuse of children.

Persons with Disabilities.—The Constitution ensures "special care for the protection of disabled persons and their inclusion in social life." While persons with disabilities face no openly discriminatory measures, job opportunities generally were limited. Special education also was limited and poorly funded.

The Law on Social Welfare and the Law on Construction specify access to public services and buildings for persons with disabilities; however, the construction rules were not always enforced and did not mandate that facilities be retrofitted. As a result, access to public facilities often was difficult.

National/Racial/Ethnic Minorities.—Ethnic minorities enjoy the same constitutional protections as other self-identified ethnic and religious groups; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs in several areas, including in the administration of justice, employment, housing, and freedom of movement. Ethnic Serbs in war-affected regions continued to be subject to harassment, intimidation, and occasional violence. In December after extensive discussion with minority groups and political parties, Parliament passed a Constitutional Law on National Minorities with broad political support. The OSCE generally assessed the new law positively. The law assures minority representation in local government bodies, creates minority councils from the local to the national level to advise elected officials on minority rights, promotes use of minority languages and symbols, and provides for the election of up to eight minority representatives in the next parliament. Ethnic minority groups welcomed most of the law's provisions, but objected to the loss of generous affirmative action rights to elect representatives to parliament.

Societal intimidation and violence against Serbs continued in war-affected areas (see Section 1.c.). Weapons left over from the war, including firearms and explosives, were readily available and were used in incidents of harassment during the year. Incidents largely occurred in the areas of return in central Dalmatia. In February Serb returnee Jovan Bosta was beaten to death in Benkovac near Knin; contradictory police reports were published and no arrests were made. Also in February, two grenades were thrown into the yard of a house owned by a Serb family in the Dnris area. Police responded appropriately and an investigation was ongoing. In April a returnee's house in the Benkovac area and a local school were burned. In Glina a Serb returnee's shop was attacked after a screening of a war-related film in which the perpetrators allegedly recognized the owner as a former soldier. Returnee Serbs in the village of Donji Karin reported continuous destruction of crops and vineyards by a Bosnian Croat settler; despite repeated reports to local police, no action was taken against the suspect. Ethnic Serbs in the area received verbal death threats and one family was pelted repeatedly by stones while working their fields. In July unknown persons intimidated two women in the village of Smiljcic by pounding on their windows at night; in the same village in September seven young men attacked

and injured a man, but—based on earlier bad experience—he was reluctant to inform local police. Persons in uniforms reminiscent of the fascist World War II-era Ustasha government marched through Petrinja in August, during celebrations of the town patron's day; in the same month, a similar occurrence was reported in Dvor, where there is a majority Serb population. In September two people in Knin threatened a television crew from Belgrade that was filming the first day in school of a boy from a recently returned Serb family. Police reacted quickly, but the crew—concerned with the boy's safety—discontinued the filming. In September the right-wing Croatia Party of Rights made ethnic threats during a press conference at the municipality day celebration in Dvor. Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. Verbal and legal harassment, forcible evictions, and assaults continued to occur regularly (*see* Section 2.d.).

Following the autumn 2000 termination of the OSCE police monitoring group in the Danubian region, the police continued to respond appropriately to law and order issues, although some NGOs continued to express concern that ethnic Serbs were reluctant to report ethnically-motivated incidents to authorities.

There were periodic reports of tensions between ethnic Serb and Croat officers. The Government has not addressed the issues of recruitment, training, and retention of adequate minority representation in police forces throughout the country. For example, outside of Eastern Slavonia, many majority Serb communities continued to be policed by forces that were 100 percent ethnic Croat.

An ongoing impediment to the return and reintegration of ethnic Serb refugees is the failure of the Government to recognize or "convalidate" their legal and administrative documents from the period of the 1991–1995 conflict. Implementation of the 1997 convalidation law to allow the recognition of documents issued by the rebel Serb para-state was undermined by Ministry of Labor and Social Welfare instructions that seriously limited eligibility. While the law itself did not include a deadline for filing applications, a decree issued by the previous regime established an April 1999 filing deadline. Since more than half of the 71,000 Serbs who have returned to Croatia returned after April 1999, the filing deadline effectively excludes most of those who otherwise would be beneficiaries. Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems including pensions, disability insurance, and ability to establish work experience. Most requests came from elderly persons and related to pension and employment histories from occupied territories during the conflict. The state pension fund improperly denied some applications for recognition of working experience from ethnic Serbs.

While ethnic Serb property owners often found it difficult to access their property, significant amounts of reconstruction assistance were for the first time extended to Serb beneficiaries. In addition to central Croatia, reconstruction had progressed well in western Croatia, where two-thirds of reconstruction beneficiaries are now Serbs. In addition, authorities in most other regions of Croatia have worked hard to accelerate the processing of requests for reconstruction assistance. Local Serb NGOs in Knin reported continued obstruction by local authorities of efforts by ethnic Serbs to obtain various documents required in order to receive pensions, social benefits, or to process property or other legal claims.

Discrimination and harassment against Roma continued. The 2001 census counted only 9,463 Roma in the country, but government officials and NGOs agreed that this was a serious undercount and that the true number may be between 30,000 and 40,000. Unlike the previous year, there were no significant reports of attacks or violence directed against Roma. Protective of their culture and reluctant to assimilate, Roma faced a host of obstacles, including language (many, especially women, have only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, societal discrimination, and lack of government will to address such issues. Romani NGOs estimated that 25 percent of Roma do not have citizenship documents and thus cannot obtain papers necessary to acquire social benefits, employment, voting rights, and property resolution.

In September a crowd of Croatian parents prevented the first day of classes from being held at an elementary school in Medjimurje county. The parents, who were protesting the Ministry of Education's decision to support integrated classes, forced the Roma children out of the classrooms and locked the school. While a compromise solution that incorporates both mixed and segregated classes was accepted by the Ministry, school, and all parents, it falls short of the constitutionally guaranteed right of all citizens to equal education regardless of ethnicity.

International and local NGOs remained concerned about the practice of holding separate classes (of allegedly lower quality) for Roma students in northern Croatia.

A 2000 Constitutional provision added nine recognized minorities to the list of seven previously recognized in the Constitution, including Muslims, Albanians, and Slovenes.

There was some discrimination against minorities in schools. For example, textbooks have used derogatory adjectives in reference to minorities. Previous government pledges to provide more balanced textbooks went unfulfilled.

The Citizenship Law distinguishes between those who have a claim to Croatian ethnicity and those who do not. Ethnic Croats are eligible to become citizens, even if they were not citizens of the former Socialist Republic of Croatia, so long as they submit a written statement that they consider themselves Croatian citizens. Non-Croats must satisfy more stringent requirements to obtain citizenship through naturalization after 5 years of registered residence. Even those who previously were lawful residents of the former Socialist Republic of Croatia (*see* Section 1.d.) were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. Obstacles to ethnic Serbs' documenting their citizenship led to discrimination in other areas, including the right to vote (*see* Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and on Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a registered residence on the territory of Croatia for the 5 years preceding the application for citizenship). The Interior Ministry recognizes the period that mostly ethnic Serbs spent outside the country as refugees as applicable to the 5-year residency requirement.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled by law to form or join unions of their own choosing without prior authorization, and workers exercised this right in practice. There was an active labor movement with one major and four minor national labor federations and an independent association of both blue- and white-collar members. Approximately 64 percent of workers were members of unions. In general unions were independent of the Government and political parties.

The Labor Code prohibits antiunion discrimination, and it expressly allows unions to challenge firings in court. There were no reports of systematic firings on grounds of ethnicity during the year. Generally citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (*see* Section 1.e.). In a wrongful dismissal suit filed by the Metalworkers Union on behalf of Dragutin Varga and Vladimir Harjac, the union won the case, and both men were eventually returned to their positions—in Varga's case, after the employer withdrew an appeal to the Supreme Court.

Unions may affiliate freely internationally and did so.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The Constitution provides for the right to strike with some limitations. Members of the armed forces, police, government administration, and public services are not permitted to strike. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. The Supreme Court has ruled in the past that workers may not strike for nonpayment of wages; however, March 2001 amendments to the labor law specifically addressed this ruling and entitled workers to strike for nonpayment of wages.

When negotiating a new contract, workers are required to go through mediation before they can strike, unless the strike is not over a new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If they cannot agree, the Labor Law calls for the "Economic and Social Council" (GSV). The GSV—chaired by the Deputy Prime Minister—consists of 15 members, with 5 representatives each from government, the Croatian Employers' Association, and trade union confederations. The GSV typically meets at least once a month on policies, procedures, and legislation relating to social protections, workers' and employers' interests, and the collective bargaining process. Local GSVs have been formed in most counties of Croatia.

The Government's Office for Social Partnership provides administrative and expert support to the GSV and facilitates dialogue between the Government, employers, and trade unions. The Office for Social Partnership mediated in approximately 80 labor disputes on a collective level. Only after submitting to mediation and formally declaring that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. A strike at the end of June by the Doctors and Dentists Union was ruled illegal by the Government because a process of reconciliation did not precede it. In August the Zagreb County Court banned a strike by ambulance drivers. The law prohibits retaliation against strikers participating in legal strikes, and no such incidents were reported. At year's end, there were some 45,000 unresolved individual labor disputes, of which almost 70 percent relate to financial claims.

During the year, authorities permitted labor demonstrations both in Zagreb's main square and in front of the Parliament. Approximately 5,000 union members and sympathizers gathered in a protest march in Zagreb's Cathedral square on May 1; union members and workers across Croatia marked the May 1 Labor Day holiday by protesting against announced changes to the labor law, which they claimed would drastically reduce workers' rights. In May the Secondary School Teachers Union went on strike, which resulted in the signing of a collective bargaining agreement with the Ministry of Education and Sports. Customs Officers initiated a work slow down in June over wage rates, and they subsequently received a 20 percent increase in pay. In October approximately 1,000 protestors in Pula and 500 in Rijeka, organized by trade unions and consumers' associations, demonstrated against the Government in response to price hikes by the State-owned electric utility company. Protests over layoffs in the national police force, announced by the Government in August 2001, continued until September 2002, when the Government ordered protestors encamped outside government offices to be removed forcibly after a laid-off policeman threw an egg at the Prime Minister. Some protestors sought sanctuary in an adjacent church, where they remained at year's end.

In November two metal workers unions organized a rally of approximately 1,700 Sisak Steel Plant workers over nonpayment of 3 month's wage arrears. The demonstration ended within days when the Government arranged for payment of wages.

Under the 1999 Agreement for a More Just Croatia, the Government is obliged to consult with labor unions before announcing economic reforms that would result in changes in worker benefits and layoffs; however, unions complained that the Government did not follow this agreement in practice.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. The Ministry of Labor and Social Welfare is responsible for enforcing the ban on coerced or forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 15 years, and it was enforced by the Ministry of Labor and Social Welfare. Children may not be employed before reaching the legal age and are not allowed to perform work that is harmful to their health or morality. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. There was no reported pattern of the abuse of child labor laws.

e. Acceptable Conditions of Work.—The Government and Unions of Public and State Employees signed a basic collective agreement in December 2001; the most recent minimum net wage—established in April—was approximately \$243 (1,800 Kuna), which was not sufficient to provide a decent standard of living for a worker and family. The average monthly wage as of October was \$489 (3,766 Kuna).

The nonpayment of wages continued to be a serious problem; over 80,000 workers (6 percent of the work force) failed to receive their salaries on time. In June 2001, the Constitutional Court ruled that workers and their families could not be refused medical benefits, even if employers failed to pay their contributions into the health system.

A June 2001 Labor Law amendment shortened the workweek to 40 hours from 42 hours. Workers are entitled to a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers are entitled to receive time-and-a-half pay for any hours worked beyond 40 per week.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. The law allows unions to appoint health and safety stewards in companies, but their activities are not regulated by collective agreements. In practice industries are not diligent in meeting standards for worker protection. For

example, it is common to find workers without hardhats on construction sites and for workers to remove safety devices from dangerous equipment. Under the law, workers may remove themselves from hazardous conditions at work and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so. There were no reports of wrongful dismissal complaints over workplace safety during the year.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although existing laws may be used to prosecute traffickers; trafficking in women was a problem. Little statistical information on trafficking exists, although U.N. officials tracking the issue regionally and local research indicate that Croatia is primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser source and destination country for trafficked women.

Trafficking is prosecuted under the Croatian Penal Code's articles prohibiting slavery, the illegal transfer of persons across state borders, international prostitution, or procurement or pimping. Police awareness of the problem is low. Some police received limited training, and efforts have begun to encourage police to identify and document possible cases of trafficking. In part due to an inadequate legal framework, victims were not encouraged to take legal action against their traffickers. According to the Ministry of the Interior, from 1998 through August, the Government prosecuted 11 persons under the law prohibiting slavery and 94 persons under the law prohibiting international prostitution. The prosecutions resulted—through the end of 2001—in the convictions of eight persons charged with international prostitution; there were no convictions under the law prohibiting slavery.

Failure to identify trafficked women among illegal aliens smuggled into the country and shortcomings in the readmission agreement with Bosnia put police under pressure to process and repatriate illegal migrants within 72 hours after their initial arrest and resulted in a significant underestimation of the trafficking problem in the country. Women from Hungary, Ukraine, Romania, Bulgaria, Slovakia, and other countries reportedly were trafficked through Bosnia-Herzegovina and Yugoslavia to Croatia, where some remained to work as prostitutes or were trafficked to other destinations. Women were transported through the country by truck or boat. In addition, women from Albania, Bosnia, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Yugoslavia were detained in incidents of illegal entry into the country; some of these women were believed to be victims of trafficking. Anecdotal information indicates that international organized crime groups were responsible for trafficking.

Government officials, international missions, and NGOs collaborated to develop an antitrafficking strategy. In April the Government appointed a National Committee for Combating Trafficking in Persons consisting of 22 members, including representatives from government (including a representative from the State Prosecutor's Office), two NGO members, one member of the Croatian International Organization for Migration, and a journalist. The National Committee drafted a National Action Plan, which was approved by the Government in November. The National Committee participated in the Stability Pact AntiTrafficking Working Group; in addition, in September members of the Committee as well as the Deputy Prime Minister and the Minister of Defense attended an antitrafficking conference in Brussels to formulate an EU strategy for combating trafficking in persons.

There were no support services available for trafficking victims. Trafficking victims typically were detained for illegal entry and voluntarily deported. Victims generally were detained at a Zagreb detention facility on immigration violations. Detention may last several weeks. Foreign embassies usually did not organize repatriation for their citizens, and the Government typically arranged for victims to return to their countries of origin by train. There was one women's shelter that occasionally helped trafficked women.

CYPRUS

Prior to 1974, Cyprus experienced a long period of intercommunal strife between its Greek and Turkish Cypriot communities. In response the U.N. Peacekeeping Force in Cyprus (UNFICYP) began operations in March 1964. The island has been divided since the Turkish military intervention of 1974, following a coup d'etat directed from Greece. Since 1974 the southern part of the island has been under the control of the Government of the Republic of Cyprus. The northern part is ruled by a Turkish Cypriot administration. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC"). The "TRNC" is not recognized by

the United States or any country except Turkey. A buffer zone patrolled by the UNFICYP separates the two parts. A substantial number of Turkish troops remained on the island. Glafcos Clerides was reelected President of the Republic of Cyprus in 1998. In April 2000, following the first round of Turkish Cypriot elections, Rauf Denkash was declared "President" after "Prime Minister" Dervish Eroglu withdrew. The judiciary is generally independent in both communities.

Police in the Government-controlled area and the Turkish Cypriot community were responsible for law enforcement. Police forces in the Government-controlled area were under civilian control, while the Turkish Cypriot police forces were under military authority. Some members of the police on both sides committed abuses.

Both Cypriot economies operated on the basis of free market principles, although there were significant administrative controls in each community. Approximately 793,000 persons lived on the island of Cyprus. The Government-controlled part of the island had a robust, service-oriented economy, with a declining manufacturing base and a small agricultural sector. Tourism and trade generated 23 percent of gross domestic product and employed 29 percent of the labor force. During the year, per capita income was \$14,499; inflation was 3.4 percent; and unemployment was 3.0 percent. Growth was 2.0 percent, compared with 4.0 percent in 2001.

The Turkish Cypriot economy was handicapped by restrictions imposed by the Government of Cyprus and other international institutions. It relied heavily on subsidies from Turkey and was burdened by a very large public sector, which employed approximately 20 percent of the labor force. It basically was service-oriented, but had a smaller tourism and trade base, which accounted for 9.7 percent of gross national product (GNP), and it had a larger agricultural sector. The GNP per capita in the north was approximately \$4,610; inflation was 76.8 percent in 2001 compared with 53.2 percent in 2000, according to the latest figures available. Growth in the north was about 2.6 percent during the year, compared with 5.4 percent in 2001.

The Government of the Republic of Cyprus generally respected the human rights of its citizens; however, there were problems in some areas. Instances of police brutality against detainees continued to be a problem. Police reportedly subjected Turkish Cypriots to surveillance. The Government placed some restrictions on persons traveling to the north. Violence against women persisted. Trafficking in women for prostitution remained a problem. Reform of Cyprus's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. Cyprus was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The Turkish Cypriot authorities generally respected the human rights of citizens living under its control; however, there were several problems. Police abused suspects and detainees. Civilians continued to be tried in military courts. The authorities subjected members of the Greek Cypriot community living in the north to surveillance. The authorities harassed some members of the press. The authorities also continued to restrict freedom of movement. Since 1997 the Turkish Cypriot authorities have banned most bicomunal contacts between Turkish Cypriots and Greek Cypriots, including previously frequent meetings in Nicosia's buffer zone. At times they attempted to prevent Turkish Cypriots from traveling to bicomunal meetings off the island as well. Cooperation between the authorities and the U.N. High Commissioner for Refugees (UNHCR) was uneven. The Turkish Cypriot authorities took some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but the treatment of these groups still fell short of Turkish Cypriot obligations under the Vienna III Agreement of 1975. Violence against women and trafficking in women for prostitution were problems.

In May 2001, the European Court of Human Rights (ECHR) ruled that Turkey was responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The result of a complaint by the Government of Cyprus, the decision rejected the Turkish argument that the "TRNC" is an independent state and instead ruled that it is "a subordinate local administration of Turkey operating in northern Cyprus."

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Turkish Cypriot authorities still had not conducted a credible investigation of the 1996 murder of a prominent leftist Turkish Cypriot journalist, Kutlu Adali, who wrote articles critical of Turkey's role in the north.

The cases before the ECHR of two Greek Cypriot demonstrators killed in 1996 remained pending at year's end. Turkish Cypriot civilian police killed one demonstrator who had entered the buffer zone and participated in the beating death of the other.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the Constitution of the Republic of Cyprus and the basic law governing the Turkish Cypriot community specifically prohibit torture. The law in both the Government-controlled area and the Turkish Cypriot community prohibited such practices, and the Government and the Turkish Cypriot authorities generally respected these provisions in practice; however, there were reports of instances of both Greek Cypriot and Turkish Cypriot police brutality against suspects and detainees during the year, involving Cypriots as well as non-Cypriots.

In response to an increase in police brutality in the Government-controlled area, the Attorney General was given authority to assign independent investigators to cases. Four cases of police brutality were brought before the court and have hearings scheduled for June 2003.

There were credible reports of pervasive police abuse of power and routine harsh treatment of detainees in the Turkish Cypriot community (*see* Section 1.d.).

In 2001 Turkish Cypriot Teachers' Trade Union members alleged that they were beaten by police with batons while protesting the suspension of a history teacher who had published an article critical of Turkey and its military in an opposition newspaper. The Turkish Cypriot authorities brought criminal charges against the teacher and the trade union that were pending at year's end (*see* Section 2.a.).

In May 2001, the ECHR found the Government of Cyprus responsible for inhuman treatment of nine Turkish Cypriots in 1994. In July and August of 2001, the Government compensated the plaintiffs in accordance with the decision.

Prison conditions generally met international standards, although there were some problems. According to a report issued in 2000 by the Government Ombudsman, prisoners with psychiatric problems in the south did not receive proper medical care. During the year, the Ombudsman reported some improvements in this respect, including the daily visits of a social worker, psychiatrist, psychologist, doctor, and two nurses. In the south, women prisoners were held separately from men, and children were held separately from adults. Pretrial detainees were held separately from convicted criminals.

In the north, women were held separately from men; however, there were no separate cells for juveniles in prison. Pretrial detainees were held separately from convicted criminals in the north.

The Cypriot government and the Turkish Cypriot authorities permit prison visits by independent human rights observers, although no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—Laws throughout Cyprus prohibit arbitrary arrest and detention; however, Turkish Cypriot police at times did not observe legal protections. Throughout Cyprus judicially issued arrest warrants were required. No person may be detained for more than a day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention did not exceed 8 to 10 days before formal charges were filed. Attorneys generally had access to detainees; bail was permitted. The Government of Cyprus claimed the right to deport foreign nationals for reasons of public interest whether or not they had been charged with or convicted of a crime.

Turkish Cypriot police at times did not observe legal protections, particularly at the time of arrest. In some instances, suspects were not permitted to have their lawyers present when testimony was taken, in contravention of Turkish Cypriot basic law. Suspects who demanded the presence of a lawyer may be threatened with stiffer charges or even physically intimidated. A high percentage of convictions in the Turkish Cypriot community were obtained with confessions made during initial police interrogation under these conditions. According to credible reports, Turkish Cypriot police were known to abuse their authority to hold persons for up to 24 hours before having to go before a judge; suspects then were released within 24 hours without charges having been filed. Police officers used this tactic against persons suspected of serious crimes or believed to have behaved in a manner deemed insulting to the officer.

In 2000 Greek Cypriot police arrested Omer Gazi Tekogul for drug possession near the village of Pyla, located in the U.N. buffer zone. A Turkish Cypriot official told the UNFICYP that Greek Cypriots would "disappear" in retaliation (a statement later repudiated by Rauf Denktash). In 2001 Turkish Cypriot authorities ar-

rested Greek Cypriot Panicos Tziakourmas for drug possession. A British Sovereign Base Area (SBA) police investigation suggested that Tziakourmas was seized by Turkish Cypriots on SBA territory and that there was no evidence of marijuana. In March 2001, Tekogul was found guilty, but later was pardoned by President Clerides. In April 2001, Tziakourmas also was found guilty, but his sentence was limited to time served. In June 2001, he filed a case with the ECHR alleging the abuse of his rights by Turkish Cypriot authorities during his arrest and conviction. This case remained pending at year's end.

The Constitution and the basic law governing the Turkish Cypriot community prohibit forced exile, and neither the Government nor the Turkish Cypriot authorities employed it.

e. Denial of Fair Public Trial.—The Constitution and the basic law governing the Turkish Cypriot community provide for an independent judiciary, and both the Government and the Turkish Cypriot authorities generally respected these provisions in practice.

In both the Government-controlled area and the Turkish Cypriot community, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. No special courts existed for security or political offenses, although civilians in the Turkish Cypriot community may be tried in military courts.

Cyprus inherited many elements of its legal system from the United Kingdom, including the presumption of innocence, the right to due process, and the right of appeal. Throughout Cyprus the right to a fair public trial is provided for in law and generally was accorded in practice. Defendants have the right to be present at their trials, to be represented by counsel (at public expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense.

In the Turkish Cypriot community, civilians charged with violating military zones or military regulations or defaming the military were subject to trial in a military court. These courts consisted of one military and two civilian judges and a civilian prosecutor. In April 2001, the Turkish Cypriot "Constitutional Court" ruled that it was unconstitutional to have military judges sit on judicial boards. In May 2001, the ECHR found that the Government of Turkey violated the right of Turkish Cypriots to a fair trial by authorizing civilians to be tried in military courts. Since March in accordance with the court decision, military courts no longer include military judges and instead consist of three civilian judges and a civilian prosecutor.

In October a military court questioned six journalists for defamation of the military.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Both the Constitution of Cyprus and the basic law governing the Turkish Cypriot community prohibit such actions; however, police on both sides have subjected members of the other community resident in their area to surveillance (*see* Section 5). A judicial warrant is required for a police official to enter a private residence. The Turkish Cypriot authorities restricted the ability of Greek Cypriots and Maronites living in the north to change their place of residence (*see* Section 5).

Since 2000 Turkish Cypriot authorities have recognized marriage certificates issued by the Government of Cyprus and have allowed Greek Cypriots and Maronites resident in the north to bring their spouses to reside with them.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Laws provide for freedom of speech and of the press, and these rights were generally respected in practice throughout the island; however, there was at least one reported instance of harassment of a newspaper in the Turkish Cypriot community.

Opposition newspapers frequently criticized the authorities. Independent newspapers and periodicals proliferated in both communities. In the Government-controlled area, there were seven major daily newspapers, one weekly, and six major magazines. Several private television and radio stations in the Greek Cypriot community competed effectively with the Government-controlled stations.

In the north, there were 12 newspapers. In addition to three smaller, university-run radio stations, eight private radio stations operated in the Turkish Cypriot community, along with three radio stations run by the authorities, and a new radio station run by the Turkish Cypriot security forces. There were two television channels run by the authorities and four private television channels.

International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

The Turkish Cypriot opposition newspaper *Avrupa* was reportedly subject to harassment. In 2001 a bomb damaged the newspaper's offices; there were no arrests.

In addition, Turkish Cypriot authorities confiscated furniture and computers for nonpayment of fines arising from a lawsuit by Turkish Cypriot officials against Avrupa's editor/owner. The owner closed Avrupa, renamed it Afrika, and kept the same editorial staff.

In August a Turkish Cypriot court found two journalists from Afrika guilty of libel and defamation for an article that referred to Turkish Cypriot leader Rauf Denktash. Originally sentenced to 6 months' imprisonment, their sentences were reduced to 1 month and 25 days.

In October several journalists from Afrika were brought before Turkish Cypriot district and military courts on charges of libel and defamation of both civilian and military subjects. These cases remained pending at year's end. Afrika continued daily publication.

Restrictions at times were imposed on the ability of journalists to cross the buffer zone to cover news events. The Government denied entry to the south to visiting Turkish journalists who arrived in Cyprus through ports of entry in the north. In retaliation Turkish Cypriot authorities at times required Greek Cypriot journalists to purchase a "visa" to enter the north, which the journalists refused to do. Turkish Cypriot policy, while applied inconsistently, was to permit Greek Cypriot journalists traveling as a group to cover events in the north without paying a "visa" fee, but not to allow individual Greek journalists entry unless they paid the fee. Greek Cypriot journalists covering certain events in the north also were asked to wear identification issued by Turkish Cypriot authorities and bearing the flag of the self-proclaimed "TRNC." In response Greek Cypriot journalists chose not to travel north to cover these events.

In October Turkish Cypriot authorities expelled a group of Spanish journalists from the Turkish Cypriot community for convening without permission. The expulsion came after their meeting with the director of the most widely read newspaper in that community.

In 2001 a Turkish Cypriot teacher was suspended for publishing an article critical of Turkey and its military in an opposition newspaper. The Turkish Cypriot authorities filed criminal charges against the teacher and the trade union that protested on her behalf for defamation and trespassing, respectively. Their cases remained pending at year's end (*see* Section 1.c.).

Unrestricted access to the Internet was widely available throughout Cyprus, although some users reported difficulties in sending e-mail between service providers in the two communities.

Neither the Government nor the Turkish Cypriot authorities restricted academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution of the Republic of Cyprus provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Although Turkish Cypriot authorities also generally respected these rights, which are provided for in the basic law, they imposed restrictions on bicomunal meetings (*see* Section 2.d.).

c. Freedom of Religion.—The Constitution of the Republic of Cyprus provides for freedom of religion, and the Government generally respected this right in practice. The basic law governing the Turkish Cypriot community refers specifically to a "secular republic," and also provides for freedom of religion, and the authorities generally respected this right in practice. Both the Government and the Turkish Cypriot administration have constitutional or legal prohibitions against religious discrimination. Turkish Cypriots residing in the southern part of the island and non-Muslims living in the north were allowed to practice their religions.

The 1960 Constitution of the Republic of Cyprus specifies that the Greek Orthodox Church, which is autocephalous and not under the authority of the mainland Greek Orthodox Church, has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The Constitution also states that the Turkish Cypriot religious trust, the Vakf (the Muslim institution that regulates religious activity for Turkish Cypriots), has the exclusive right to regulate and administer its internal affairs and property in accordance with Vakf laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church or the Vakf. There are three other religious groups recognized by the Constitution: Armenian Orthodox, Maronite Christians, and Latins (Roman Catholics).

Religions other than the five recognized religions were not required to register with government authorities; however, if they desired to engage in financial transactions such as maintaining a bank account, they had to register as a nonprofit company, and most did so.

Greek Cypriot residents of Rizokarpasso may visit the Apostolos Andreas monastery without restriction, but others in the north must apply to the local authorities for permission. Maronites may not visit certain religious sites in the north located in military zones. Armenians may not visit any religious sites in the north.

Reciprocal visits to religious sites, originally agreed to in 1997, have been suspended since 2000. In May 2001, the ECHR ruled that the Government of Turkey was responsible for restrictions imposed on Greek Cypriots resident in the north to their access to places of worship and participation in other areas of religious life. In April 2001, Turkish Cypriot authorities and the Government of Cyprus agreed to assign a second Orthodox priest to work in the north. A candidate was not identified by year's end.

Although missionaries had the legal right to proselytize in both communities, missionary activities were monitored closely by both the Government and Turkish Cypriot authorities. Under laws that make it illegal for a missionary to use "physical or moral compulsion" in an attempt to make religious conversions, the police could initiate investigations of religious activity based on a citizen's complaint. They could also initiate an investigation if missionaries might be involved in illegal activities threatening the security of the Republic, constitutional or public order, or public health and morals. There were occasional apprehensions under these laws that resulted in publicity but no arrests. In June Turkish Cypriot police detained three foreign citizens who were walking along a busy road with a large Christian cross. They were warned that their activity was unwise in a Muslim area and released.

There were no reports of religious prisoners or detainees in either the Government-controlled area or the Turkish Cypriot community.

Instruction in the Greek Orthodox religion is mandatory for all Greek Orthodox children and is taught in all public primary and secondary schools, in the Government-controlled area. Jehovah's Witnesses and Maronite parents may request that their children be excused from such instruction. Such requests routinely were granted.

The 1975 Vienna III Agreement remains the basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south. Among other things, this agreement provides for facilities for religious worship. Greek Cypriots living in the north reported that vacant Orthodox churches there were vandalized and religious icons were removed. In August Turkish Cypriot police arrested a suspect for stealing icons from a church now used as an icon museum. Although Turkish Cypriots reported that unused mosques in the south also were vandalized, the Government routinely carried out maintenance and repair of mosques in the south.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Both the Cyprus Constitution and the basic law governing the Turkish Cypriot community provide for these rights, and they were generally respected in practice. Both the Government and the Turkish Cypriot authorities generally respected the right to travel abroad and to emigrate. Turkish Cypriots had difficulty traveling to most countries because travel documents issued by the "TRNC" are recognized only by Turkey. Most Turkish Cypriots used Turkish travel documents instead.

Republic of Cyprus authorities discouraged travel to the northern part of the island. They permitted day trips only by tourists to the north, sometimes arbitrarily refused permission to non-Cypriots to cross into the northern part of the island, and pressured foreigners working in Cyprus not to cross to the north. They declared it illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the Government-controlled area by foreigners who entered the country from the north.

Turkish Cypriots traveling to the south had to seek prior permission from the Turkish Cypriot authorities and had to provide them with an itinerary and the purpose of their travel. To pass the Greek Cypriot checkpoint, Turkish Cypriots had to provide their itinerary and the date they intended to return home to the Greek Cypriot checkpoint police. They did not need to notify the checkpoint police in advance, but did need to prove they were Turkish Cypriots. The Government did not limit the length of their stay in the south. Some Turkish Cypriots reported being followed by Greek Cypriot police during visits to the south.

Turkish Cypriot authorities generally allowed visits to the north by persons whose initial point of entry into Cyprus was in the south, but they denied entry to foreigners of Turkish Cypriot origin who had entered Cyprus through the south. In 1995 the Turkish Cypriot authorities instituted a policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-con-

trolled areas; however, implementation of the procedures remained inconsistent and visitors of Greek Cypriot or Armenian origin, or persons thought to have Greek or Armenian names, faced considerable difficulties entering the north. In August 2001, Turkish Cypriot authorities refused entry to a foreign government delegation, which included a Greek-surnamed foreign national, on the grounds that the delegation had not provided enough notice.

All visitors had to obtain a formal "TRNC visa" to enter the north. Maronites were charged the same fee of \$1.83 (1 Cyprus pound) each time they crossed. Requests to cross into the north had to be submitted 48 hours in advance.

Since 2000 Turkish and Turkish Cypriot forces operated a checkpoint in a location adjacent to the Greek Cypriot village of Strovilia and the British eastern SBA. Although access to Strovilia had been previously largely unimpeded, the checkpoint provided Turkish forces the ability to control the approach to the village. Despite protests from the UNFICYP and others, Turkish forces remained at the contested checkpoint at year's end in violation of the status quo. Turkish forces restricted UNFICYP movement, including refusing to allow the UNFICYP to operate a checkpoint in Kokkina.

In July 2000, the Government denied Turkish Cypriots land passage to Kokkina, a coastal area containing a Turkish Cypriot memorial and surrounded by government-controlled area. These visits were part of a 1997 reciprocal visit arrangement that also included travel to certain religious sites. In August and November 2000, Turkish Cypriot officials denied access to southern Greek Cypriots to visit one of these sites. Reciprocal visits have been suspended since 2000.

During the year, the Council of Europe continued to call on the Turkish government to comply with the ECHR's decision in 1996 calling for it to compensate a Greek Cypriot woman who was prevented from going to her property in northern Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. Approximately 80 similar cases filed by Greek Cypriots through the Office of the Attorney General against Turkey were declared admissible by the ECHR, but no judgments had been issued in any of the other cases by year's end. Reports indicated that other cases not filed through the Attorney General's Office may also be pending.

Turkish Cypriot authorities in the past had approved most applications for Turkish Cypriots to participate in bicomunal meetings in the U.N.-controlled buffer zone, but in December 1997, they suspended Turkish Cypriot participation in these meetings pending a reevaluation of bicomunal activities. The "suspension" soon became a defacto Turkish Cypriot ban on bicomunal contacts on Cyprus. However, since June 2000, Turkish Cypriot authorities eased the ban, and on a case-by-case basis allowed some Turkish Cypriots to participate in bicomunal events in and across the buffer zone.

Greek Cypriots still had to obtain a Turkish Cypriot "visa" to visit the north. Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place outside Cyprus by requiring civil servants to seek permission from their employer and the Turkish Cypriot "Ministry of Foreign Affairs" before they could participate. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicomunal events. Private citizens have been allowed to travel to off-island bicomunal events.

In September the Turkish Cypriot Public Service Commission formally reprimanded five Turkish Cypriot teachers who went to Istanbul to participate in a bicomunal choir activity for traveling abroad and not being present for their duties without receiving permission from the authorities; the reprimand was placed in their personnel files and may affect their immediate opportunities for promotion.

In 2000 Turkish Cypriot authorities announced the easing of restrictions on the 417 Greek Cypriots and 147 Maronites living in the north. Turkish Cypriot authorities usually granted applications of Greek Cypriot residents in the north to visit the Government-controlled area. Visits to the south were limited to a total of 6 months per year. The applicants had to return within the designated period or they risked losing their right to return home and to keep their property, although this rule rarely was enforced in practice. Overnight stays by relatives of Greek Cypriots and Maronites living in the north also were limited to a "reasonable period" (to be determined by Turkish Cypriot authorities), with extensions possible. There were also reports that Turkish Cypriot authorities prevented unlimited travel to the north by family relatives. Greek Cypriots visiting from the south could not travel to the north in their personal vehicles; they were obliged to use taxis or buses and pay crossing fees of \$1.83 (1 Cyprus pound).

Similar restrictions existed for visits by Maronite residents of the north to the Government-controlled areas, but were applied much more loosely than those for Greek Cypriots, and Maronite travel is relatively unrestricted. Maronites whose rel-

atives live in the northern part may travel to the north in their own vehicles, but still had to pay crossing fees.

Turkish Cypriot authorities permitted school holiday and weekend visits for all full-time Greek Cypriot and Maronite students, regardless of age and gender, who moved south to continue their studies. However, male Greek Cypriot students must demonstrate they are not yet performing military duties. Greek Cypriots and Maronites resident in the north no longer require police permits for internal travel and may use private vehicles registered and insured in the north. Implementation of this policy has been inconsistent.

The Government generally cooperated with the office of the UNHCR. Cyprus continued to attract a growing number of asylum seekers (652 applications by November), many of whom arrived in small boats. Many claimed to be from the Middle East, including Iraq. These cases were referred to the Government's asylum unit, established on January 1 (implementing legislation was enacted on January 7). If given refugee status, the applicant was granted a 3-year residence permit renewable for an additional 3 years. If applicants met the criteria for refugee status, they were permitted to stay and were given temporary work permits. However, refugees generally were not granted permanent resettlement rights, although they were permitted to remain until resettlement in another country could be arranged.

The Government's asylum unit handled all cases submitted after January. All cases submitted before that date were handled by the UNHCR, whose decisions were considered binding by the Government. At year's end, there were approximately 900 cases pending before the UNHCR. A 130-bed detention facility to house arriving migrants until their cases are evaluated was constructed and will open once administrative and support staff have been hired.

In the north, cooperation between the Turkish Cypriot authorities and the UNHCR was uneven. During the year, working with the assistance of a local non-governmental organization (NGO), the UNHCR began examination of the asylum claims of four persons who entered the north in accordance with official procedures. Their case remained pending at year's end. Forty-four asylum seekers who arrived in the north without proper documentation were arrested and subsequently deported to their country of origin.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Multiparty political systems exist throughout Cyprus. The Republic's Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties competed for popular support actively and without restriction. Elections for the office of President are held every 5 years; in February 1998, President Clerides won reelection to another 5-year term. Elections for members of the House of Representatives are held every 5 years or less.

The basic law provides Turkish Cypriots living in northern Cyprus with the right to change their government peacefully, and they exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. A leader and a representative body are elected every 5 years or less; in December 1998, they chose a new "National Assembly." In April 2000, Rauf Denktash was named Turkish Cypriot leader after his opponent, "Prime Minister" Dervish Eroglu, withdrew between the first and second rounds of voting.

Under the 1960 Constitution, voting takes place on a communal basis. Since the breakdown in 1963 of bicomunal governing arrangements, and the 1974 de facto partition of the island, Turkish Cypriots living in the Government-controlled area were barred from voting there, although they may travel to the north to vote in elections. Similarly Greek Cypriots and Maronites living in the north are barred by law from participating in Turkish Cypriot elections; they are eligible to vote in Greek Cypriot elections but must travel to the south to exercise that right. Officials in the north representing Greek Cypriots and Maronites are appointed by the Government of Cyprus and are not recognized by Turkish Cypriot authorities.

In both communities, women faced no legal obstacles to participating in the political process. Women held some cabinet-level, judicial, and other senior positions. In the House of Representatives, women held 6 of 56 seats; in the "National Assembly" in the north, women held 4 of 50 seats.

In addition to their political voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elected special nonvoting representatives from their respective communities who sat in the Government's legislative body.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No restrictions prevent the formation of human rights groups. A number of NGOs in both areas of the island considered themselves human rights groups; however, they generally were concerned with alleged violations of the rights of their community's members by members of the other community. Groups with a broader human rights-related mission included organizations promoting awareness of domestic violence, and those concerned with allegations of police brutality. Representatives of international human rights organizations had access throughout the island. All of these groups generally operated without restrictions by the authorities, and officials were cooperative and responsive to their views.

The United Nations, through the autonomous tripartite (U.N., Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), is attempting to resolve the problem of missing persons who remained unaccounted for after the intercommunal violence beginning in 1963–64 and the events beginning July 1974. The CMP made little progress due primarily to Turkish Cypriot reluctance to proceed without first fully accounting for those who may have been killed in internal Greek Cypriot fighting in July 1974, prior to the landing of Turkish forces on the island. In December 2001, the leaders of both communities met to discuss the missing and agreed to redouble efforts to resolve the issue in cooperation with the CMP. As part of the direct talks that began in January, the two leaders exchanged several documents, but did not progress beyond this exchange.

Since June 1999, the Government has conducted exhumations of gravesites in the south that were thought to contain the remains of persons missing since 1974. By year's end, the remains of 127 Greek Cypriots were identified through DNA testing. Of those, 31 were listed among those missing since 1974. The remaining 96 were known to be dead, but the location of their graves previously was unknown. The Turkish Cypriot authorities did not cooperate in this DNA identification effort. In July 2000, the Government released a list of 1,493 missing Greek Cypriots whose cases were submitted to the CMP for investigation.

In May 2001, the ECHR ruled that the Government of Turkey was responsible for continuing human rights violations against Greek Cypriots missing since the 1974 Turkish military intervention and their surviving relatives. The ECHR declined jurisdiction to examine some of the Government's complaints regarding the violation of rights of Turkish Cypriots, ruling that such persons could and should first exhaust domestic remedies provided by Turkey through judicial bodies established in the north.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Laws in both communities provide for protection against discrimination based on sex or national, racial, or ethnic origin. While each community generally respected such laws, serious problems remained concerning the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, concerning the treatment of Turkish Cypriots living in the Government-controlled area.

Women.—Spousal abuse in the Government-controlled area was a problem and continued to receive increased attention. An NGO formed to address domestic abuse reported an increase of 38 percent in the number of cases handled during the year, compared to 2001. Women constituted 81 percent of the reported victims, children 10 percent, and men 9 percent. However, the NGO noted that the 2001 figures were unreliable due to short staffing of the NGO's hot line. A small professional staff ran the NGO and relied on a volunteer staff to answer calls received by its hot line. The NGO also operated a shelter for battered women and children in Nicosia, which served 38 women and 30 children during the year, a 26 percent increase in women and 33 percent increase in children sheltered compared to 2001.

The law makes family violence easier to report and prosecute and provides that the testimony of minors and experts such as psychologists may be used as evidence to prosecute abuses. The law also provides for prison terms for the abuse of family members. Many suspected cases of domestic violence did not reach the courts, largely because of family pressure and wives' economic dependence on their husbands. Very few cases tried in the courts have resulted in convictions.

Domestic violence in the Turkish Cypriot community was reportedly a problem, but little public discussion of such violence occurred. Domestic violence cases were rare in the Turkish Cypriot legal system, since they are typically considered a "family matter."

"Honor" crimes, in which women are victimized and even killed by relatives for alleged acts that "dishonor" the family, have not occurred for many years in either the Government-controlled area or in the Turkish Cypriot community. No "honor" crime-related deaths or injuries were reported on the island during the year.

Republic of Cyprus law does not prohibit “voluntary” prostitution; however, sexual exploitation and trafficking of adults and children is a felony. Reports continued to come from credible sources that women were trafficked for sexual exploitation and forced into prostitution in both communities (see Section 6.f.).

The Greek Cypriot press reported on the mistreatment of some maids and other foreign workers (see Sections 6.c. and 6.e.).

There is no law against sexual harassment in the Government-controlled area. Although prohibited by law in the north, sexual harassment was not discussed widely, and any such incidents largely were unreported. Throughout Cyprus, women generally had the same legal status as men. Both Greek and Turkish Cypriot women married to foreigners have the right to transmit citizenship automatically to their children.

A 1998 Turkish Cypriot law on marriage and divorce provides for more equal treatment of husbands and wives. Under the law, the man no longer is considered the legal head of family and does not have the exclusive right to decide the family's place of residence. The wife may retain her surname, but must also add the husband's surname. Turkish Cypriot women may marry non-Muslim men. In cases of divorce, the court decides on a fair distribution of the family's assets, with each partner assured a minimum of 30 percent. In dividing assets, the judge must take into account which partner is receiving custody of the children and provide sufficient means to support them.

Legal provisions in both the Government-controlled area and the Turkish Cypriot community that require equal pay for men and women performing the same job were enforced effectively at the white collar level, but Turkish Cypriot women in the north employed in the agricultural and textile sectors routinely were paid less than their male counterparts.

Children.—Both the Government and the Turkish Cypriot authorities were strongly committed to children's rights and welfare; they fund public education and health care for those who cannot afford it. In the Government-controlled area, approximately 85 percent of the population was eligible to receive public health care. There was no difference in the health care and educational opportunities available to boys and girls. In the Government-controlled areas, free education was available at all levels through the age of 18. Education was compulsory up to the age of 15 or completion of secondary school. In the Turkish Cypriot community, education through the age of 15 was free and compulsory.

Despite improvements in living conditions for Greek Cypriots and Maronites, there were no Greek-language educational facilities beyond the elementary level in the north. For this reason, parents often were forced to choose between keeping their children with them, or sending them to the south for further education. In this case, Turkish Cypriot authorities did not permit these children to return to live permanently in the north.

Turkish Cypriot authorities screened all textbooks sent from the south to Greek Cypriot elementary schools in the north, which caused lengthy delays in their distribution, and shortages of up-to-date textbooks. The Government reported that Turkish Cypriot authorities removed pages from textbooks sent from the south. In August 2001, a request by the Government to send a fourth teacher to the Greek Cypriot school in the north was rejected by Turkish Cypriot authorities.

There was no societal pattern of abuse of children.

Persons with Disabilities.—In Cyprus persons with disabilities did not generally face discrimination in education or the provision of state services. In the Greek Cypriot community persons with disabilities who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and if their qualifications are equal to those of other applicants. The law provides for equal opportunities for persons with disabilities, which includes regulations promoting equal opportunities in the areas of employment, transportation, and recreation. In the Turkish Cypriot community, regulations require businesses to employ 1 person with disabilities for every 25 positions they fill, although enforcement was inconsistent.

The law in the Greek Cypriot community mandates that new public buildings and tourist facilities be accessible to all, although little has been done to enforce the law, despite the enactment in 2000 of relevant regulations. While there is increasing awareness of the issue of accessibility to public buildings for persons with disabilities, the Turkish Cypriot authorities have not enacted legislation to mandate access to public buildings and other facilities for persons with disabilities.

National/Racial/Ethnic Minorities.—Constitutional or other legal mechanisms prohibit discrimination in both communities. The 1975 Vienna III Agreement remains the legal basis covering the treatment of Greek Cypriots and Maronites living

in the north, and Turkish Cypriots living in the south. The agreement provides for the voluntary transfer of populations, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north, and Turkish Cypriots living in the south, and facilities for education, medical care, and freedom of religion. In practice, noncompliance with some of the provisions of the Vienna III Agreement by Turkish Cypriot authorities made daily life difficult for Greek Cypriots and Maronites living in the north. At year's end, there were 417 Greek Cypriots and 147 Maronites resident in the north.

Government of Cyprus figures for the number of Turkish Cypriots living in the Government-controlled area range from 360 (in the 2001 census) to 1,204 (according to the Ministry of Interior). Some of the Turkish Cypriots living in the Government-controlled area faced difficulties in obtaining identification cards and other government documents, especially if they were born after 1974. Turkish Cypriots reportedly were subjected to surveillance by the Greek Cypriot police (*see* Section 1.f.). However, they made few formal complaints to UNFICYP about their living conditions in the south.

UNFICYP access to Greek Cypriots and Maronites living in the north remained limited. Despite improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond the elementary level (*see* Section 5). Both Greek Cypriots and Maronites living in the north were unable to change their place of residence at will. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care provided by a Turkish Cypriot doctor registered with Turkish Cypriot authorities was permitted. Additional telephone lines have been installed for Greek Cypriots living in the north, although they, like Turkish Cypriots, must pay higher, "international" fees to make calls to the south.

Maronites continued to lack some public services available in most other Turkish Cypriot areas. Greek Cypriots and Maronites resident in the north were still unable to leave property to heirs residing in the south.

Section 6. Worker Rights

a. The Right of Association.—All workers except for members of the police and military forces have the legal right to form and join trade unions of their own choosing without prior authorization; however, in the Government-controlled area, police officers were permitted only to join associations that have the right to bargain collectively but not to go on strike. More than 70 percent of the Greek Cypriot workforce belonged to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers, and all public sector workers, belonged to labor unions.

In the Turkish Cypriot community, union officials alleged that various firms were successful in establishing "company" organizations and then pressing workers to join these unions. Officials of independent labor unions also accused the Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions.

In both the Government-controlled area and the Turkish Cypriot community, trade unions freely and regularly took stands on public policy issues affecting workers and maintained their independence from the authorities. Two of the major trade unions, one in each community, were affiliated closely with political parties. Both of the other major unions were independent.

Antiunion discrimination is not illegal in the Turkish Cypriot community. Union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic, and penalties for antiunion practices were minimal. As in the Government-controlled area, parties to a dispute may request mediation by the authorities. Antiunion discrimination is illegal in the Government-controlled area.

Unions in both parts of Cyprus may and did affiliate with international trade union organizations, although Greek Cypriot unions sometimes objected to recognition of Turkish Cypriot unions formed after 1963.

b. The Right to Organize and Bargain Collectively.—By law trade unions and confederations are free to organize and bargain collectively throughout Cyprus. This right was generally observed in practice in the Government-controlled areas, and most wages and benefits were set by freely negotiated collective agreements; however, Greek Cypriot collective bargaining agreements were not enforceable. In the rare instances in which persons claimed that such agreements were infringed upon, the Ministry of Labor has been requested to investigate. If the Ministry is unable to resolve the dispute, the union may call a strike to support its demands.

In the Turkish Cypriot community, wage levels were reviewed several times a year for both private and public sector workers, and a corresponding cost-of-living raise was established. A special commission composed of five representatives each from organized labor, employers, and the authorities conducted the review.

All workers have the right to strike; however, in the northern part of the island, employers have an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right to strike. In addition, authorities in both the Government-controlled area and the Turkish Cypriot community have the power to curtail strikes in "essential services," although this power was used rarely in practice. There were no major strikes during the year.

Small export processing zones (EPZs) existed in the port of Larnaca and in Famagusta; the laws governing working conditions and actual practice in the EPZs are the same as those outside the zones.

c. Prohibition of Forced or Bonded Labor.—Laws prohibit forced or bonded labor throughout the country, including by children. Foreign maids and illegal foreign workers reportedly were subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In both the Government-controlled area and the Turkish Cypriot community, the minimum age for employment in an "industrial undertaking" is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. There were labor inspectors in both communities who enforced the law effectively. However, in family-run shops it was common for younger children to work after school, and according to press reports, children as young as 11 or 12 years of age worked in orchards during their school holidays in the Turkish Cypriot community.

In 2001 a law enacted by the Government updated provisions of previous legislation in line with the EU "acquis." The new legislation significantly increased fines for child labor abuses and added regulations that deal with culture, sports, and advertising.

e. Acceptable Conditions of Work.—The legislated minimum wage in the Government-controlled area, which is reviewed every year, was approximately \$538 (294 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. The wage rose to \$581 (318 Cyprus pounds) after 6 months' employment. Neither amount was sufficient to provide a decent standard of living for a worker and family. Unskilled workers typically earned about \$475 (260 Cyprus pounds) per month, which was barely adequate to support a family. All other occupations were covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements were significantly higher than the legislated minimum wage (see Section 6.b.). The legislated minimum wage in the Turkish Cypriot community, while subject to frequent review because of high inflation, was approximately \$238 (380 million Turkish lira) per month at year's end. This amount was insufficient to provide a decent standard of living for a worker and family.

In the Government-controlled area, the legal maximum workweek in the private sector was an average of 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, it was 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the legal maximum workweek was 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforced these laws.

Steps have been taken to improve health and safety standards in the workplace in the Government-controlled area. A 1997 law harmonized health and safety standards with those in the EU. The law incorporates EU principles and standards for health and safety in the workplace and complies fully with the 1981 International Labor Organization convention on occupational health and safety. A second 1997 law requires employers to provide insurance liability coverage for work-related injuries. According to labor union officials, these laws were enforced effectively.

Occupational safety and health regulations were enforced sporadically in the Turkish Cypriot community. In both the Government-controlled and the Turkish Cypriot areas, factory inspectors processed complaints and inspected businesses in order to ensure that occupational safety laws were observed. Workers in the Government-controlled area may remove themselves from dangerous work conditions without risking loss of employment. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

There were reports about the mistreatment of maids and other foreign workers in the Greek Cypriot press. Such reports usually involved allegations that maids, often from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Many women did not complain to authorities,

fearing deportation. A law passed in 2001 protects domestic workers who file a complaint with the Labor Ministry from being deported until their cases have been adjudicated.

A significant percentage of the labor force in the north consisted of illegal migrants, mostly from Turkey. According to some estimates, illegal workers constituted as much as 10–15 percent of the total work force there. There were frequent allegations that such workers were subject to mistreatment, including the non-payment of wages and threats of deportation.

f. Trafficking in Persons.—The law in the Government-controlled area criminalizes trafficking, but the regulations in the Turkish Cypriot community do not specifically prohibit trafficking. During the year, there continued to be credible reports that women were trafficked into both communities for the purpose of prostitution.

In 2000 the Cypriot legislature passed a law making it a felony to engage in the sexual exploitation and trafficking of adults (with or without their consent) and children. The law provides for punishment of up to 20 years' imprisonment for trafficking. There were no reported convictions during the year; however, three individuals were charged with trafficking ("exploitation") under the new law in 2001, and their cases were pending at year's end. A holdover from British preindependence law makes it illegal in both communities to procure a woman for prostitution, although the crime is only a misdemeanor. During the year, the office of the Ombudsman began preparing a report on trafficking in persons in Cyprus, to be published in 2003.

In January 2000, the Turkish Cypriot "National Assembly" passed a law designed to regulate the hiring of women in nightclubs, including penalties for women and employers who engage in prostitution; the law does not prohibit trafficking. Turkish Cypriot authorities denied the existence of trafficking, and no resources specifically were earmarked to combat it. While past corruption among law enforcement and immigration personnel was an obstacle to the effective policing and prevention of trafficking in both communities, the Government and the Turkish Cypriot authorities have increased their focus on combating and preventing trafficking.

Traffickers in Eastern Europe recruited young women for prostitution in the Government-controlled area. The women came principally from Ukraine, Romania, Moldova, Russia, and Bulgaria. Most of them entered the country on temporary 3-month work permits. In some instances, the women reportedly were forced to surrender their passports or stay beyond the period of their work permits, and in some cases, they reportedly were not paid their full salaries. A similar pattern existed in the recruitment and hiring of Eastern European women to work in the Turkish Cypriot community, and reports persisted regarding coercion of nightclub workers, such as the confiscation of their passports. Estimates on the extent of the problem were difficult to obtain.

The law obligates the State to provide protection and support for victims. The Government made some efforts to protect women who brought complaints against employers by allowing them to remain in the country to press charges, or by facilitating their return home. Under the law, the Government must also provide shelter, medical, and psychiatric care until the victims have recovered from the trauma of their experiences. The Government reported receiving complaints against employers for exploitation. While the cases were pending, the women stayed in Cyprus at government expense. However, by year's end, all had chosen to leave Cyprus just before the trial date, and the Government was left each time with no witnesses.

Persons convicted of trafficking may be required by the court to pay for this provision of shelter and medical care, in addition to any repatriation costs. The Government may appoint a guardian for victims to advise and give counsel, and to represent the victim with the appropriate government agency. Victims may sue traffickers for damages. There were no similar legal provisions in the Turkish Cypriot community; consequently, many of the women were reluctant to press charges, fearing retaliation by employers or deportation.

NGOs that protect the rights of women and immigrant workers were available to assist victims of trafficking; however, they reported that they rarely received any requests for assistance.

CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June, Prime Minister Vladimir Spidla's left-of-center Social Democrat Party joined forces with the centrist Christian Democrat and center-right Freedom Union parties to form a coalition government that placed the

right-of-center Civic Democrat Party and the Communists in opposition. Spidla's coalition held a one-seat majority in Parliament. President Vaclav Havel, in his second 5-year term, had been in office since 1993. The Constitution provides for an independent judiciary, but the judiciary was somewhat hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversaw the police. The civilian internal security service, known as the Security and Information Service (BIS), reported to the Parliament and the Prime Minister's office through the Foreign Minister, who was a Deputy Prime Minister. Police and BIS authorities generally observed constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed some human rights abuses.

The economy was market-based, with over 80 percent of the gross domestic product (GDP) produced by the private sector. The country's population was approximately 10.3 million. The economy grew by approximately 2 percent during the first half of the year. Inflation decreased to 2 percent, while unemployment increased to 10 percent. The workforce was employed primarily in industry, retail trade, and construction.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provided effective means of dealing with individual instances of abuse. Occasional police violence and use of excessive force remained a problem. Long delays in trials were a problem, due to structural and procedural deficiencies as well as a lack of resources for the judicial system. There were some limits on freedom of association for groups that promoted racial hatred and intolerance. There was some violence and discrimination against women. Violence against children remained a problem. Discrimination and occasional skinhead violence against Roma remained problems. There were reports that employers attempted to prevent the formation of collective bargaining agreements. Trafficking in women and children was a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. The Czech Republic was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Investigations continued in unresolved cases from previous years, including the 1967 killing of Charles Jordan, in which involvement of the Czechoslovak state security service was suspected.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that police occasionally used excessive force.

In April 2001, a police officer in Ostrava was charged with assaulting a suspect during questioning; the officer was not suspended, and remained on the force pending the outcome of the case, which was ongoing at year's end.

On March 1, five police officers were suspended and formally charged with racially-motivated violence and abuse of power in the 2001 beating of a Rom in Karlovy Vary; the five were awaiting trial at year's end. At times individual police officers reportedly failed to take sufficient action in cases of threats or attacks against Roma. However, in general, the police continued to treat such incidents in a more serious and professional manner than in the past (*see* Section 5).

A lawsuit filed by a protestor after the September 2000 protests against the International Monetary Fund and the World Bank alleged that police had beaten and otherwise mistreated him during his detention remained pending at year's end.

The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (*see* Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin remained under investigation at year's end.

Skinhead violence against Roma and other minorities remained a problem (*see* Section 5).

Prison conditions generally met international standards. There was overcrowding in many prisons; however, overcrowding declined during the year. By mid-year the prison system was at 93 percent of capacity, with the total number of prisoners at 16,512. The ratio of prisoners to prison guards was approximately three to one.

Women and men were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. Attorney and family visits were permitted. The authorities followed these guidelines in practice.

On October 1, a new facility allowing female prisoners to care for their infants while incarcerated was opened within the Světa nad Sázavou prison. The unit accommodates 15 prisoners and their three-year-old and younger children. In exceptional cases, female prisoners were also allowed to care for their 4 and 5-year-old children at the facility.

The Government permits visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Lengthy pre-trial detention and long delays in trials were problems. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The law does not allow bail for certain serious crimes. Under the law, pretrial detention may last no longer than 4 years and then only for cases considered “exceptionally grave” under the Criminal Code. Pre-trial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court did not approve continued detention during a judicial review, the suspect must be released. In practice few pre-trial detainees were held for longer than 2 years. As of September, the average length of pre-trial detention was 81 days. A suspect may petition the appropriate investigating authorities at any time for release from detention.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, structural and procedural deficiencies, as well as a lack of training and resources hampered the effectiveness of the judiciary.

A judicial reform law took effect on April 1 that provides for term limits of 10 years for Constitutional Court judges, a mandatory retirement age of 70 for all judges, and measures to streamline the judicial process. A provision mandating continuing education and evaluation of judges was struck down by the Constitutional Court in July for infringing upon the independence of the judiciary.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation. Under the terms of the new law, the President was the appointing authority for all judges, and judges who had at least 10 years’ experience as lawyers were eligible for appointment to the Supreme Court.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provided lawyers for indigent defendants in criminal and some civil cases through the bar association. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments decided against them. However, the lack of experienced police investigators and qualified judges combined with a still-evolving legal environment contributed to a backlog of court cases. As of July, the Ministry of Justice reported that there were 391 judges and 268 prosecutors needed to fill vacant positions; 395 judges and 113 prosecutors had been identified to fill these empty positions and were undergoing training at that time.

The UDV continued to investigate as criminal acts some actions taken by state authorities and the Communist Party during the 1948–1989 Communist regime. The UDV, an independent part of the Czech Police Office of Investigations, was empowered to launch and conduct prosecutions and to propose the filing of suits to State Attorney’s offices. As of July, the UDV had launched the prosecution of 171 persons in 84 separate criminal cases. Nine of those were sentenced; five were placed on probation, and four received unconditional sentences, the longest of which was 5 years’ imprisonment. Approximately 2,000 investigations were dropped because of the death of suspects or witnesses, various presidential amnesties, or statutes of limitation.

The UDV continued to work with Charles University to prepare “moral trials” to discuss crimes whose perpetrators could not be punished because of their death or a statute of limitation. It targeted primarily cases of torture (*see* Section 1.c.); border shootings; treason (connected with the 1968 Warsaw Pact invasion of Czechoslovakia); state repression of opponents of the Communist regime; and investigation of Czech authorities whose negligence caused exposure of citizens to hazardous waste from the nuclear accident in Chernobyl. Although the statute of limitations

for many of the Communist-era crimes under investigation by the UDV had been set to expire in 2000, in December 1999, Parliament voted to suspend the statute of limitations for serious crimes committed during the Communist regime, enabling the UDV to continue investigating these cases. The Interior Ministry extended the UDV's mandate indefinitely and lengthened the period covered to include 1945–1948.

On July 25, Lubomir Strougal, former Czechoslovak Premier and Interior Minister, was acquitted of charges of interference with murder investigations during the Communist regime to protect members of the secret police.

On September 23, former Communist officials Milos Jakes and Jozef Lenart were acquitted on charges of treason and subversion for their complicity with the Soviet Union following the 1968 Warsaw Pact invasion of Czechoslovakia. In December 2001, charges of treason and subversion were filed against Communist-era judge Pavel Vitek for his role in Communist show trials. His case was pending at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Electronic surveillance, the tapping of telephones, and the interception of mail required a court order, and violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals could and did speak out on political topics and freely criticized the Government and public figures.

In separate decisions early this year, the courts rejected both a criminal complaint filed by the Government in November 2001 against Petr Holub, the publisher of the magazine *Respekt*, and a lawsuit filed by then-Minister of Trade and Industry Miroslav Gregr. Holub had accused the then Prime Minister of corruption in a 2001 article.

The print media were varied and independent and published without interference by the Government; however, there were restrictions on certain types of propaganda. In addition, the editorial staffs of many newspapers were viewed widely by the public and politicians as favoring certain political parties. There were four national newspapers and two national tabloids, along with numerous regional and local newspapers. There were also many magazines and journals that covered a wide spectrum of topics. Various Czech and foreign investors owned the print media.

The electronic media were independent. There were three national television stations: One public (with two separate channels) and two private, and more than 61 private radio stations, in addition to Czech Public Radio. A third private television station, TV3, ceased operations in January following a protracted battle among its investors over control of the company. The leading television channel, Nova, was privately owned. Citizens also had access to foreign broadcasts via satellite, cable and the Internet. The State funded television and radio programs for Roma on public stations, and also supported Romani publications.

A 13-member Council for Radio and Television Broadcasts had limited regulatory responsibility for policy-making and answered to the parliamentary media committee, which exercised broad oversight of the Council and had to approve its members. The Council could issue and revoke radio and television licenses and monitored programming.

There was also a nine-member Czech Television (CTV) Council charged with oversight of public Television.

In the closely watched case of journalist Zdenek Zukal, Zukal continued to face three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. In December 1999, Zukal was charged with slander for publishing documents he knew, or should have known to be forgeries. One day before a planned presidential pardon, local authorities changed the charge to false accusation. Zukal's trial was delayed when the presiding judge was removed from the case in January for bias, after an appeal to a higher court. The case remained ongoing at year's end.

The Penal Code imposes prison terms of between 6 months and 3 years on persons who denied the Nazi Holocaust or the Communist genocide had taken place. The law also outlawed the incitement of hatred based on race, religion, class, nationality, or other group.

In August 2001, authorities brought charges against a Communist activist for supporting a movement leading to the suppression of citizens' rights and freedoms and inciting panic and criminal slander. The accused had repeatedly called for impo-

sition of a dictatorship of the proletariat, nationalization of industry and capital, and a return to Communist rule. He had also labeled several prominent politicians "criminals and traitors." The case remained pending at year's end.

In September 2001, the Republican Party filed a similar criminal complaint against the League of Ethnic Minorities over a series of public service announcements using humor to discredit far-right and neo-Nazi supporters. The complaint was later dismissed for lack of merit.

A Freedom of Information law provided for freedom of access to information under the control of state and local authorities as well as other institutions, and citizens exercised this right in practice.

Citizens also had access to foreign broadcasts via satellite, cable, and the Internet. The Government did not restrict or monitor access to the Internet.

The law provides for academic freedom, but forbids activities by established political parties at universities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly, and the Government generally respected this right in practice; however, it may legally restrict assemblies that promoted hatred and intolerance, advocated suppression of individual or political rights, or otherwise jeopardized the safety of participants. Permits normally were required for demonstrations, but police generally did not interfere with spontaneous, peaceful demonstrations.

During the year, skinhead groups organized rallies and protests. In keeping with the Interior Minister's publicly stated displeasure with such events, the police closely monitored skinhead and neo-Nazi activities. The cases of eight persons arrested in May 2001 in connection with a skinhead concert that took place in April of that year were still pending at year's end. Four were accused of "supporting and promoting movements designed to suppress civil rights and freedoms." The other four were accused of "publicly expressing sympathies for fascism" (see Section 5).

The law forbids political party activity of any kind at universities (see Section 2.a.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Interior Ministry, but there was no evidence that this registration was either coercive or arbitrarily waived.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The State subsidized all religions that were registered officially with the Ministry of Culture. To register, a religious group must have at least 10,000 adult members permanently residing in the country. For any religious group already recognized by the World Council of Churches, only 500 adult members permanently residing in the country were required.

On January 1, the Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies entered into force. The law creates a two-tiered registration system, establishing the membership requirement for the first tier (non-profit religious association with limited tax benefits) at 300, and setting the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 10,000. The new law also imposes a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Under the old law, registered churches groups would automatically receive second-tier status.

Several unregistered religious groups have criticized the law because they believe that it is prejudicial against smaller religions. Some critics also argued that complete registration at the second tier would be difficult to attain due to the 10-year observation period. By year's end, two groups had registered under this new law, and three applications were pending. In November the Constitutional Court issued a decision striking down a part of the law which had barred churches from using the profits from church-owned enterprises for religious activities.

Unregistered religious groups, such as the small Muslim minority, could not own community property legally, although they were otherwise free to assemble and worship in the manner of their choice. Their members could and did issue publications without interference.

Missionaries must obtain a long-term residence and work permit if they intend to remain in the country for more than 30 days.

A small but persistent and fairly well-organized extreme rightwing movement with anti-Semitic views still existed in the country. The Ministry of Interior continued a forceful effort to counter the neo-Nazis, which included increased monitoring of their activities, closer cooperation with police units in neighboring countries, and

concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

On June 26, a smoke bomb was thrown through the window of a bookshop in Liberec, where the country's Chief Rabbi was attending a public meeting. No arrests had been made by year's end.

On June 30, vandals defaced a newly unveiled memorial to Jewish victims of the Holocaust in Karlovy Vary. Red paint was sprayed on the memorial and anti-Semitic posters were left at the scene. On July 18, police in Jihlava destroyed dozens of posters bearing neo-Nazi insignia and messages.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Since 1997, when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Roma continued to emigrate in significant numbers. During the year, many Roma families in the Ostrava area made public their intention to emigrate. Some Roma activists stated that the motive for the increased emigration was fear of racist violence and discrimination (see Section 3); however, others (including some within the Roma community) believed the Roma were emigrating for economic reasons.

On August 1, the Prime Minister issued an unprecedented call for Roma to remain in the country and work with the Government and majority population to address their economic and social problems.

Continued high numbers of Czech Roma seeking asylum in the United Kingdom during the year led to continuation of pre-inspection controls at Prague's international airport. Roma activists in the United Kingdom criticized the controls as "racist" because they appeared to target Roma.

In July 2001, the Romani Civic Initiative and the Democratic Union of Roma filed a lawsuit with the Czech Constitutional Court against the Government, charging the Government with inciting racial and ethnic hatred. The groups alleged that the selective screenings by British officials at Prague's Ruzyně airport restricted the right to travel for Roma. They also alleged that many Roma had been denied permission to fly to the United Kingdom based on their ethnicity alone since the checks began. The case remained pending at year's end.

Czechs who emigrated during the period of Communist rule frequently returned to visit or live. The law permits these individuals to regain citizenship without having to relinquish the foreign citizenship that they acquired during their absence. The law also provides for former Czechoslovak citizens who have lived in the country since 1993 to reclaim citizenship by simple declaration. Citizenship was not revoked for political reasons.

As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more Slovaks to become citizens (see Section 5).

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework was in place for the processing of requests for refugee and asylee status. A law on asylum that entered into effect in 2000 expedited refugee processing by establishing a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status, providing financial support for towns with refugee camps, and increasing access to legal advice for asylum-seekers. Amendments to the asylum law that took effect in November 2001 expedited the process and made it more difficult for economic migrants to obtain asylum. No independent body had been established to handle the appeals of those denied refugee status. The Government provided first asylum and cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

As of May, 3,260 asylum requests had been processed during the year. Persons from Ukraine, Vietnam, Moldova, Armenia, Georgia, Iraq, Romania, and India submitted the most asylum requests during the first half of the year. In 2001 more than 18,000 requests for refugee status were filed and 83 claims were approved.

The Government fully funded an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers were provided for recognized refugees. The country was both a transit point and destination for illegal migrants. Migrants from economically disadvantaged countries in Central and Eastern Europe often entered the country to take up illegal residency or to transit to other countries. As of July 1, border guards reported 7,639 illegal entry attempts. A growing concern

was the smuggling of large groups of refugees and economic migrants into and across the country. No specific laws criminalize alien smuggling. The number of illegal migrants detained by Czech authorities through September was roughly the same, compared with the same period in 2001. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Iraq, Georgia, Armenia, and Vietnam. A 1999 law on residence and visas tightened considerably previous rules for change of status and extension of stay and required visas in advance for everyone but tourists.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens over the age of 18 were eligible to vote by secret ballot in national, regional, and local elections.

In July the Government of Prime Minister Vladimir Spidla took office. The Government consisted of the Prime Minister's left-of-center Social Democrat party, the centrist Christian Democrat Party, and the center-right Freedom Union Party. The opposition consisted of former Prime Minister Vaclav Klaus' right-of-center Civil Democratic Party and the Communist Party. The Constitution mandates elections to Parliament at least every 4 years based on proportional representation. To enter Parliament, a political party must obtain 5 percent of the votes cast in the election. Coalitions must obtain 5 percent of the votes per party (i.e., a three-party coalition would have to receive 15 percent of the votes cast) to enter Parliament. The President was elected by Parliament and serves a 5-year term. The President has limited constitutional powers, but may veto legislation and return it to the Chamber of Deputies, which then may override that veto by a simple majority of all members.

The law provides for the formation of political parties. Opposition groups, including political parties, functioned openly and participated without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Political parties must register with the Ministry of the Interior. In November the Interior Ministry registered the National Party following an order of the Supreme Court. The Ministry had previously denied the right-wing party registration because its position did not uphold constitutional principles.

Either the Government or the President may submit a proposal to the Supreme Court calling for a political party to be disbanded.

A citizenship law passed in September 1999 remedied the situation for some individuals (predominantly Roma) who lacked voting and other rights due to restrictions under the previous citizenship laws. These individuals were enfranchised under the former Czechoslovakia, but were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic (see Section 5). Non-resident Czechs may vote in national elections.

The 1991 "Lustration" (vetting) Law barred many former Communist Party officials, members of the People's Militia and suspected secret police collaborators from holding a wide range of elected and appointed offices, including senior appointed positions in State-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to 2000, overriding a veto of President Havel. In November 2000, the Chamber of Deputies extended the validity of the law over the veto of President Havel until new civil service and security laws could be passed and implemented. Parliament passed a civil service reform law, which will take effect in January 2004.

The extended law exempted persons born after December 1, 1971 from the lustration process, an exemption not included in the earlier version of the law. Some private employers also required applicants to produce lustration certificates proving non-collaboration. At year's end, the special section of the Interior Ministry handling lustration requests had processed 7,280 lustration certificates. Since the beginning of the lustration process in 1991, approximately 3 percent of applications did not receive confirmation of a clear record. The lustration law remained on the books. Those who did not receive confirmation of a clear record could file a civil suit against the Interior Ministry for a charge similar to slander; however, no such suits were filed during the year. During the year, the European Commission again noted the need to eliminate the law.

The 200 member Chamber of Deputies had 34 female Deputies, including two Deputy Speakers. There were 10 female Senators in the 81-member Senate. The new government had two female Cabinet members: Petra Buzkova (Minister of Edu-

cation) and Marie Souckova (Minister of Health). In June Hana Marvanova resigned as head of the Unie Svobody (Freedom Union) party after becoming the first female head of a parliamentary party a year earlier. Slovaks, of whom there were an estimated 300,000, were almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. For the most part, these Slovaks defined their interests in the context of national politics, not along ethnic lines; there was no Slovak party in Parliament. Most of the estimated 150,000–175,000 Roma were not fully integrated into political life (see Section 5). Roma were not united in support of any specific program or set of goals to advance their interests within the political processes of the country. Few Roma served in local government, although some were appointed to advisory positions in government ministries.

Section 4. Governmental Attitude Regarding International Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

In 1999 the Government created a \$14 million (500 million Czech crowns) endowment that was being used by 39 NGOs to work on issues of social welfare, health, culture, education, human rights protection, and the environment. In 2000 the Government Council for NGOs announced it was dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations focusing on human rights and the environment.

The Human Rights Commissioner served as head of the Government Committee for Nationalities, and of the Government Council for Romani Community Affairs, which was established in 1997 (see Section 5). A Council for Human Rights, which consisted of 10 representatives from government ministries and 10 human rights activists, advised the Government on human rights issues and proposed legislation to improve the observation of human rights in the country.

Former Justice Minister Otakar Motejl served as "Public Rights Protector" or Ombudsman. Appointed by the Chamber of Deputies, Motejl, a political independent, addressed citizens' complaints of violations of civil and human rights and freedoms by government entities. By the end of October, the Ombudsman's Office had received 4,619 requests for assistance. The Ombudsman had no legal power to sanction offending individuals or offices, but did provide a means of alternative dispute resolution and often mediated between citizens and government offices.

In each house of Parliament there was a petition committee for human rights and nationalities, which included a subcommittee for nationalities. A government-sponsored Council for Nationalities, which advised the Cabinet on minority affairs, was composed of three Slovak and three Roma representatives; two Polish and German representatives; one Hungarian representative; and one Ukrainian representative. The law on the rights of ethnic minorities provides that ethnic minorities who have "lived in the country traditionally and over a long period of time" have the right to use their native language in interactions with the Government, the provision of voting materials, and in education. There was also a government commission staffed by members of an NGO and journalists that monitored inter-ethnic violence.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the equality of citizens and prohibited discrimination. By law, health care, education, retirement, and other social services were to be provided without regard to race, sex, disability, or social status. However, in practice, Roma faced discrimination in such areas as education, employment, and housing; and women faced discrimination in employment.

Women.—The actual extent of violence against women was unknown; however, some experts' studies indicated that it was more common than publicly acknowledged. ROSA, an NGO that provides direct assistance to victims of domestic abuse, estimated that 1 in 10 women in domestic situations were emotionally or physically abused and that 30 percent of the abusers were university-educated. A 1998 study conducted by Prague's Institute for the Study of Human Sexual Behavior indicated that 13 percent of women were raped at some point in their life. The study found that spouses and domestic partners were responsible for 51 percent of rapes, acquaintances committed an additional 37 percent of the rapes, and strangers attacked 12 percent of rape victims.

According to police statistics, there were 500 rapes reported countrywide in 2000. According to the Ministry of Justice, there were 140 convictions for rape throughout the country in 2001. During the year, 503 rapes were reported, and there were 126 convictions for rape. Institute researchers and NGOs estimated that approximately

3.3 to 7 percent of rape victims filed reports with the police. According to experts, both rape and domestic violence were greatly underreported.

There was no legislation specifically addressing spousal abuse; however, the Criminal Code covered other forms of domestic violence. An attack was considered criminal if the victim's condition warranted medical treatment for 7 days or more and caused the victim to miss work. If medical treatment was necessary for less than 7 days, the attack was classified as a misdemeanor and punished by a fine of no more than approximately \$100 (3,000 Czech crowns)—an amount equivalent to approximately one-fourth of the average monthly wage. Repeated misdemeanor attacks did not result in stricter sanctions against the abuser.

Gender studies experts reported that women were ashamed to report or even speak about rape, and that police were neither appropriately trained nor behaved in a helpful manner toward rape victims. The Ministry of the Interior did run a training program in protocols for investigating family violence and sexual offenses in order to improve police responsiveness and prosecution efforts.

The police also trained some specialized personnel to handle cases of domestic violence. The police did not work regularly with welfare and medical services. However, training materials to help police officers improve the identification and investigation of domestic violence and sexual abuse cases and to help sensitize them in the treatment of victims of abuse were introduced into both the introductory and continuing education curriculums.

The Government maintained a comprehensive awareness and prevention program designed to address problems of trafficking, abuse, and violence against women (*see* Section 6.f.).

According to Elektra, a crisis center for abused women, rape victims could seek psychological counseling through (a number of hotlines and crisis centers in the country. Crisis centers that offered support to rape victims included the White Circle of Safety, an association for crime victims that provided free psychiatric and legal counseling, and Riaps, a hotline that counseled persons who had suffered some form of abuse. According to NGOs, there were 107 state-supported shelters located in most major cities and towns which took in women who had been raped or abused; NGOs also provided medical and social assistance to women on a local level. According to NGOs, there still were not enough places available in shelters to meet the demand for them.

Public debate about violence against women was rare, despite the efforts of women's groups to focus public attention on the problem. The press occasionally reported on the problems of violence against women and trafficking in prostitutes (*see* Section 6.f.).

Pimping is illegal; prostitution is not, although local communities have the right to regulate prostitution and enforce restrictions on it. The Interior Ministry estimated that up to 25,000 persons worked in the sex industry during the year. Prostitution and sex shops were prevalent, particularly in the regions bordering Germany and Austria where international vehicular traffic was heaviest. The law prohibited forcing persons into prostitution; however, trafficking in women was a problem (*see* Section 6.f.).

Sexual harassment was a recognized problem, and the labor law contains a definition of, and prohibition against sexual harassment. The law defines sexual harassment as unwanted, inappropriate, or offensive sexual behavior, the acceptance or rejection of which could be interpreted by the employee being harassed as affecting his or her status in the workplace. Although the law prohibits sexual harassment, studies concluded that approximately one-half of all women have experienced sexual harassment in the workplace.

Women are equal under the law, and in principle women enjoyed equal property, inheritance, and other rights with men. By law women receive equal pay for equal work. Although women constituted roughly half of the labor force, they were employed disproportionately in professions with a lower median salary than were men. Women's median wages lagged behind those of men by approximately 20 percent.

The law bans discrimination based on gender; however, in practice employers remained free to consider gender, age, or attractiveness when making hiring decisions. Amendments to the law in 1999 and 2000 explicitly prohibited employment discrimination based on a variety of factors including gender, race, skin color, sexual orientation, language, religion, health and family status, and repeated offenses were punishable by fines of up to \$33,333 (1 million Czech crowns). Employers often blatantly used factors such as age, gender, and lifestyle in advertising jobs and making employment decisions. The unemployment rate for women exceeded that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women held senior positions.

Children.—The Government was committed to children's welfare; it funded programs for health care and basic nutrition, and provides free and compulsory education through age 15 (through age 14 in special schools). Girls and boys enjoyed equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Roma children into mainstream schools. Official estimates indicated that less than 20 percent of the Roma population completed ninth grade, and less than 5 percent completed high school. A significant number of Roma children were transferred at an early age to "special schools" for the mentally ill and "socially maladjusted after a psychological exam.

According to unofficial government estimates, 60 percent or more of pupils placed in these special schools were Roma children, though less than three percent of the population were Rom. Graduates of the "special schools" were not restricted from attending secondary schools (*see* Section 5). Some Roma parents did not send their children to school regularly due to fear of violence, and the expense of books and supplies.

In 1999 12 Roma families filed suit in the Constitutional Court to protest the "de facto segregation" of Roma children into special schools. Although the Constitutional Court rejected the complaint in 1999, an appeal remained pending at the European Court of Human Rights in Strasbourg at year's end.

The Ministry of Education later took steps independently to implement some of the recommended changes. They began work on changes to the psychological exam given to Czech children that many claimed was culturally biased against Roma children. Children were assigned to "special schools" based on poor results on the exam. In January the Education Minister announced a long-term plan to phase out the special schools and mainstream pupils from them into regular classrooms.

Many districts with high concentrations of Roma held yearlong programs (so-called "zero grades") to prepare Roma children for their first year in school; these programs were funded by the Government and administered by local NGOs. More than 100 "zero grades" operated throughout the country. Some districts tracking local Roma students reported that up to 70 percent of the children who attended "zero-grade" training successfully entered and remained in mainstream schools.

In addition, Roma teaching assistants were placed in primary and special schools to help teachers communicate with Roma pupils, and encourage cooperation between schools and Roma parents. According to the Ministry of Education, there were 300 Roma teaching assistants in the school system during the year, an increase from 200 in 2001. Bilingual Romani-Czech language textbooks were used in 60 elementary schools to help overcome the cultural and language differences between Roma children and non-Romani-speaking teachers in the early school years. The Ministry of Education commissioned a textbook for use in schools on the cultural and historical roots of the Roma minority and on successful members of the Roma community. Local NGOs supported additional studies and private initiatives to prepare Roma children for mainstream schools.

In 2000 the Ministry of Justice reported a 6 percent decrease in the number of reported neglect and welfare cases. There were 5,894 in 2000, compared with 6,207 in 1999. Laws criminalize family violence, physical restraint, sexual abuse, and other forms of abuse of minors (the age of majority in the country is 15 years). A Children's Crisis Center established in 1995 was 70 percent state supported. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, or sexual abuse was between 20,000 and 40,000, but only about one-tenth of such cases were registered by the police. Between 50 and 100 children died each year from domestic violence.

Sexual abuse of children continued to receive press attention during the year. Press and government reports throughout the year indicated that the country remained a popular destination for pedophiles due to its location and the common misperception of a low risk of sexually transmitted disease (*see* Section 6.f.). Some experts estimated that the number of visits to the country, primarily from Western Europe, for the purpose of sexually abusing children had increased by 20 percent since 1997.

During the year, the police took measures to prevent this type of "sex tourism" more effectively. Police maintained patrols in high-risk areas, enforced curfew-type policies more actively, and worked to raise public awareness of the issue through the media. Despite increased police efforts, press reports still indicated that in many border regions, sex tourism for the purpose of molesting adolescent minors continued. Dissemination of child pornography in print, or on video, CD-ROM, or the Internet was a criminal act; laws against child pornography were generally enforced (*see* Section 2.a.). Convictions of sexual abusers of children were reported routinely in the media.

According to NGOs, there were approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGOs.

Trafficking in children was a problem (*see* Section 6.f.)

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in the areas of employment, education, or in the provision of other state services, and there were no reports of such discrimination; however, persons with disabilities suffered disproportionately from unemployment. Businesses in which 60 percent or more of the employees were disabled qualified for special tax breaks and the Government provided transportation subsidies to disabled citizens. Numerous NGOs supported social assistance programs to help level the playing field for persons with disabilities. These NGOs also reported that the situation of persons with disabilities had received more attention, and had improved over the last few years, although some problems persisted.

Regulations and the Construction Code required architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration; these regulations were applied in practice. However, many buildings and means of public transportation remained inaccessible to those in wheelchairs, although access did improve during the year. In Prague 24 of the 50 metro stations were wheelchair-accessible; however, most of those stations were in the suburbs, and the majority of stations in the city center remained inaccessible. A growing number of bus lines were accessible to persons with disabilities. Tram lines in Plzen were wheelchair-accessible. Access to education was a problem for children with physical disabilities due to the lack of barrier-free access to most public schools, but there is at least one barrier-free school in each district.

In an effort to call attention to the problem of access for persons with physical disabilities, two wheelchair-users filed a complaint with the European Court of Human Rights in February. They alleged that the Government violated the rights of citizens with disabilities by failing to enforce requirements for barrier-free access for persons with disabilities. On June 3, the court ruled that the complaint was inadmissible, and the case was dropped.

National/Racial/Ethnic Minorities.—After ethnic Slovaks, the largest minority was the Romani population, officially estimated to number between 150,000 and 175,000. However, in the 2001 census, only 11,716 persons identified themselves as Roma. The census used “self-identification,” and it is believed that many persons chose not to identify themselves as Roma for fear of negative consequences. Roma lived throughout the country but were concentrated in the industrial towns along the northern border, where many Roma originally from eastern Slovakia were encouraged to settle in the former homes of “Sudeten” Germans transferred to the West more than 40 years ago. Roma suffered disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease.

Members of skinhead organizations and their sympathizers were the most frequent perpetrators of inter-ethnic violence, particularly against Roma and other “dark-skinned” persons. An estimated 5,000 skinheads were active in the country. Some observers believed that the actual figures were higher. Police registered 452 racially motivated crimes in 2001 (the last full year for which statistics were available). During the last 4 years, registration of “racially motivated or extremist crimes” continued to increase, and reflected police and prosecutors’ growing recognition of the ethnic/racial motives for many crimes in the country. Despite these developments, some observers cited judicial inconsistency in dealing with racially and ethnically-motivated crimes as a continuing problem.

On August 2, two Roma were attacked and beaten in Prerov after a waiter refused to serve them and an argument ensued. One of the victims was loaded into a car, driven some distance out of town, and dumped there. Police arrested two men, one of whom was the owner of the bar in which the altercation occurred, and accused them of breach of peace, limiting personal freedom, and violence. The case remained pending at year’s end.

On August 9, police in Ostrava arrested a man in connection with a late July attack on two Roma at a gasoline station. The victims were punched, kicked, and beaten with bats as the perpetrator shouted racial epithets. The accused was charged with racially motivated violence, inflicting bodily harm, and disorderly conduct. The case remained pending at year’s end.

Several cases from last year remained pending at year’s end. These included two men charged in a May 2001 attack on two Algerians and a Taiwanese, two skinheads charged with attacking an Indian medical student in April 2001, a racially motivated attack against a 14-year-old boy in Sternberk, several skinheads and Roma detained for hooliganism in Novy Bor following an April 2001 confronta-

tion, and four skinheads arrested in Ostrava in June 2001 in connection with the stabbing of a Rom.

On March 30, Vlastimil Pechanec was convicted of racially motivated violence for the July 2001 stabbing death of Rom Ota Absolon in the eastern Bohemia town of Svitavy. Pechanec was sentenced to 13 years in prison. On October 17, an appeals court upheld the sentence.

Appeals were denied in the March 2001 convictions of 23 skinheads on charges of racially motivated violence and property damage and organized rioting in a 1999 attack on 60–70 Roma in a restaurant in Ceske Budejovice in which six persons were injured. Six of the 21 were sentenced to a minimum of 18 months in prison, while the remaining 15 were given suspended sentences of 10 to 24 months. Several 2001 cases remained pending at year's end.

During the year, Interior Minister Stanislav Gross continued to state his displeasure with extremist activity and his desire for stronger police action against it, and police continued monitoring and actively investigating such groups and arrested those accused of committing such crimes.

The site of a former Romani concentration camp at Lety continued to be a source of controversy. In 1974 a pig farm was built on the site of the camp; the Roma community and the Human Rights Commission called for its removal.

Roma who wished to integrate into mainstream society faced practical difficulties in the areas of employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refused to hire Roma and asked local labor offices not to send Rom applicants for advertised positions. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnicity, but no enforcement statistics were available. Under the law, individual Roma do not have the right to file discrimination complaints; such action must come from governmental authorities. The stereotype of Roma was that they were qualified only for low-paying jobs, such as manual laborers, since so few completed secondary education.

Roma also faced discrimination in housing and other areas of everyday life. Despite constitutional prohibitions against discrimination, a framework to implement those provisions in civil law was not incorporated to address specific offenses under the Criminal Code. Some restaurants, pubs, and other public places refuse service to Roma and post signs prohibiting their entry.

A higher-than-average percentage of the Roma population applied for partial or full disability pensions because of the relatively high incidence of serious and chronic illnesses among their population. To a large extent, this situation resulted from lack of access to basic and preventive health care. Some Roma parents refused to allow their children to receive compulsory vaccinations. Some Roma were refused treatment by general practitioners who had full quotas of subsidized patients. NGOs and some health and education professionals working to improve living conditions for the Roma had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves had limited success in organizing their own communities, which often were disunited and suspicious of outsiders.

In a continuation of its Plan for Roma Integration, the Government allocated several million dollars (tens of millions of crowns) at various times throughout the year for projects designed to promote integration of the Roma community. One of the allocations, \$300,000 (9 million crowns) supported an NGO project to create housing in Ostrava for both Roma and members of the majority population. The project was widely acclaimed for its success in breaking down stereotypes and for involving members of the minority and majority populace in the creative and decision-making processes. Other allocations supported construction of community centers and educational assistance to minorities.

The Government Council for Romani Community Affairs, which includes 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany. The Commission also promoted positive initiatives in housing, education, and discrimination.

The Ministry of Foreign Affairs' Roma Affairs Coordinator continued to function as the Ministry's liaison with Roma groups, NGOs, and the diplomatic community.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. Police trainees continued to attend the national police academy's course in Romani language and culture, designed to improve police officers' communications with and response to the Roma communities in their precincts.

In September the Human Rights Commission's "Project Tolerance," which had been discontinued in 2001 for procedural reasons resumed, with an open-air music festival in Prague. Other events planned as part of the overall program included groups of ethnically-mixed students who traveled to 130 secondary schools to discuss tolerance issues; a program to distribute books about minority issues to 500 libraries throughout the country; and an awareness campaign to highlight the work of grass-roots level social workers.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their own choice without prior authorization, and workers exercised this right in practice. Union membership continued to decline during the year. Most workers were members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS was a democratically oriented, nationwide umbrella organization for branch unions. It was not affiliated with any political party and carefully maintained its independence.

The law prohibits anti-union discrimination. There were no restrictions on trade union contacts with international organizations, and unions developed a wide range of ties with international trade union bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis. The 2002 ICFTU Annual Survey of Trade Union Rights stated that some employers attempted to prevent workers from organizing by means of direct and indirect pressure. Those tactics reportedly included preventing union members from gaining access to company property, offering money in exchange for dissolving union organization within a company, firing union leaders, and refusing to withhold union dues from salaries.

The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law. There were 11 free trade zones. Their workers possessed and practiced the same right to organize and bargain collectively as other workers in the country.

Workers have the legal right to strike, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications. The law requires that labor disputes be subjected first to mediation and that strikes would take place only after mediation efforts failed. There were no major strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (schools for persons with mental disabilities and the "socially maladjusted") may work at the age of 14. Employment conditions for children aged 15 to 18 were subject to strict safety standards. These regulations were enforced in practice.

e. Acceptable Conditions of Work.—The Government sets minimum wage standards. The national minimum wage was approximately \$190 (5,700 Czech crowns) per month. The national minimum wage provided a decent standard of living for a worker and family. The monthly average wage was approximately \$488 (14,642 Czech crowns) per month. Average net wages were 2.9 times higher than official subsistence costs.

Government subsidies were available to families with children. Retraining was carried out by district labor offices to provide labor mobility for those at the lower end of the wage scale.

The law provides for a 40-hour work week and requires a paid break of at least 30 minutes during the standard 8 hour workday, and between 4 and 8 weeks of paid vacation, depending on the profession. Subject to the consent of the employee, employers may establish mandatory overtime not to exceed 8 hours per week although the local employment office may permit additional mandatory overtime. The Labor Ministry enforces standards for working hours, breaks, and paid vacation.

The Government, unions, and employers promote worker safety and occupational health standards, but conditions in some sectors of heavy industry did not meet these standards, particularly those still awaiting privatization.

The situation had improved at year's end, and the Government worked to harmonize its standards with those of the EU. There were 93,289 work-related accidents registered in 2001, compared with the 92,906 registered in 2000. The Office of Labor Safety was responsible for enforcement of health and safety standards.

Workers had the right to refuse work endangering their life or health without risking the loss of their employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however trafficking in women and children for the purpose of sexual exploitation was a problem.

There are other relevant statutes that can be used to prosecute traffickers. The penalties for trafficking are generally commensurate with those for rape and sexual assault. The Government investigated and prosecuted cases of trafficking in persons, although the conviction rates were low. According to police statistics, there were 139 trafficking-related arrests during the year.

Organizing prostitution and pimping are illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults may be prosecuted for engaging in sexual activity with a minor under the age of 15.) On July 1, changes in the law on child pornography took effect. The definition of child pornography was expanded; circulation, propagation, producing, exporting, transiting and making child pornography available to the public were criminalized; possession of child pornography was criminalized, and a special provision was enacted to cover dissemination of child pornography through mass media, including via the Internet. The Government cooperated extensively with other Central and Eastern European countries, the EU, and the United States during investigation and prosecution of trafficking cases.

The country was a source, transit point, and destination for trafficking in persons. A small number of Czech men were trafficked to the United States for coerced illegal work. Czech women and girls were trafficked to other European countries. Women and girls were trafficked to the country from the former Soviet Union, Africa, Asia, and the Middle East. Women from Moldova, Romania, Bulgaria, Ukraine, and the Balkan countries were trafficked to and through the country—to other European countries and the United States—to work as prostitutes. There was some evidence that a small amount of trafficking of Czech women and children for prostitution took place within the country from areas of low employment to border areas with Germany and Austria. The full extent of trafficking in children was unknown; however, convictions for sexually assaulting children were reported routinely in the media (*see* Section 5).

Trafficked women were offered jobs as models, maids, waitresses, and dancers, then forced into prostitution. Once in a destination country, traffickers withheld the victims' travel documents and used isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance. Most traffickers were members of organized crime groups. Such groups were from Russia, Bulgaria, former Yugoslavia, and East Asia who worked in cooperation with individual Czechs, Slovaks and, less often, Austrians and Germans.

The Czech Police Organized Crime Division included a Unit on Trafficking in Persons, established in 1995, which cooperated with other nations to enforce these laws. A school curriculum package was introduced in schools across the country in 2001 to educate minors about trafficking.

Police maintained close contact with the IOM and other NGOs in order to provide services to women after trafficking arrests. Foreign victims of trafficking were treated as illegal immigrants and either detained or asked to leave the country within 30 days; however, foreign victims also could be offered temporary residence if they agreed to testify against a trafficker. Those detained were sometimes deported, but more often were eventually released and ordered to depart the country within 30 days.

The Government did not provide direct assistance to victims, but did refer them to NGOs that provided such assistance. The Government provided funding to some of these NGOs. "La Strada" was the primary domestic NGO providing services and awareness campaigns to young girls and women who might have become or were victims of trafficking. Czech citizens who were trafficked to other countries often could not receive government assistance upon their return, because their identity documents were stolen or taken by the traffickers. Returnees also frequently were hesitant to go to their families or public social service providers for help because of the stigma attached to having been trafficked.

DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule in which citizens periodically choose their representatives in free and fair multiparty elections. Queen Margrethe II is Head of State. The Cabinet, which is accountable to the unicameral Parliament (Folketing), leads the Government. A minority center-

right coalition government led by the Liberal Party and formed after elections in November 2001 remained in power. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintained effective control of the security forces.

The advanced, market-based industrial economy provides residents with a high standard of living. The population is approximately 5.4 million. Nearly one-quarter of the work force is employed in the public sector. The key industries are food processing and metalworking, and a broad range of industrial goods is exported. The service sector, including information technology and consulting, is also a significant contributor to wealth generation.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Violence against women was a problem, but the Government took steps to deal with it. Trafficking in women for prostitution remained a problem. Denmark was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. In 2001 four disciplinary cases against police for bodily harm yielded one conviction, three cases remained pending. This year, two such cases arose and remained pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. The Government maintained restrictions on the length of solitary confinement permitted and its rules for imposing it. Under the new rules, the percentage of detainees in solitary confinement dropped from about 10 percent of the total number of detainees in the late 1990s to less than 7 percent in 2001.

Men and women were housed separately. Juvenile detention facilities exist. Only those juvenile offenders convicted of the most violent crimes were incarcerated. The law provides that "violent" juvenile offenders between the ages of 15 and 17 may be sent to adult correctional facilities, but they were segregated from violent adult inmates. Pretrial detainees were held in remand centers, which also held nonviolent convicted criminals serving sentences of 30 months or less.

The Government permits visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Constitution guarantees persons under arrest the right to a hearing before a judge within 24 hours of arrest. If a judge decides to hold persons in detention, he must issue an order stating why. The Constitution allows for the immediate appeal of detention orders.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex. There are no military courts or tribunals. A military criminal code exists, but enforcement is in the public judicial system.

The Constitution provides for the right to a fair trial, and an independent judiciary enforced this right. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to provide freedom of speech and of the press, including academic freedom.

There are 10 nationally distributed and 99 local newspapers, which are independent and privately owned. The Government owns two of the three national television networks and a share in the third national television network; however, there are several private satellite and cable television channels. A total of 140 local and 3 national private and public radio stations broadcast. The Government does not exercise editorial control over its radio and television outlets.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. A permit is required for public demonstrations, but the Government used objective criteria in evaluating requests and did not discriminate in issuing permits.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this right in practice.

The Constitution provides for an official state religion, the Evangelical Lutheran Church, which is subsidized by the Government. The Government does not require that religious groups be licensed; however, the State's permission is required for religious ceremonies such as weddings to have civil validity.

The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provided first asylum and in the first 9 months of the year granted it to 1,147 persons out of a total of 4,412 applications filed (a recognition rate of 26 percent), reflecting a decline both in the number of applications and in the recognition rate. The Government attributed this decrease (from the usual 50–60 percent) to changes in Iraq and Afghanistan which caused the Immigration Service to reject more asylum applications or temporarily delay decisions regarding these countries' citizens.

On July 1, the Government's new immigration legislation (the Alien Act) took effect which continued a trend of further restricting the standards for granting asylum and also decreased welfare for immigrants.

There were no reports of the forced return of persons to a country where they feared persecution. The Alien Act provides that refugees traveling to their countries of origin on holiday will automatically have their cases reassessed (*see* Section 5). If they are found to be persecuted there no longer, they will be returned to their country of origin after residency is revoked.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all matters except foreign and national security affairs, police services, the judiciary, and monetary matters. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Parliament.

There were 68 women in the 179-seat Parliament, and 5 of 18 ministers in the Government were women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The Constitution and the law prohibit discrimination on the basis of sex, creed, or ethnicity. The law also prohibits discrimination on the basis of race, national or ethnic origin, or faith. The Government protects the rights of the country's indigenous people carefully.

Women.—Violence against women was a problem, but the Government took steps to combat it. An umbrella nongovernmental organization (NGO) reported that in 2001 women's crisis shelters were contacted 10,483 times, compared with 8,825 times in 2000. A total of 2,012 women stayed at shelters during 2001. There were 493 reported rapes in 2001 and 262 during the first 6 months of the year. Rape, spousal abuse, and spousal rape are criminal offenses, and the Government effectively prosecuted those accused of such crimes. Statistics were not available regarding the numbers of abusers that were prosecuted, convicted, and punished.

Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.). Although street prostitution was illegal, enforcement was inconsistent. Prostitutes were more commonly charged, if at all, with the lesser offense of "loitering", rather than for selling sexual services. However, private soliciting through newspaper advertisements and the Internet is legal. Police did not pursue cases involving prostitution in public establishments such as nightclubs unless seeking to track down pimps or people suspected of involvement in trafficking. Pimping is illegal, as is patronizing a prostitute under the age of 18.

The law requires equal pay for equal work, but some wage inequality remained. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those affected. Women held positions of authority throughout society, although they were underrepresented in senior business positions. Women's rights groups lobbied the Government on matters of concern, such as wage disparities and parental leave.

Children.—The Government is strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education is compulsory through the ninth grade and is free through the university level. School attendance is nearly universal. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children.

All children except those requiring special assistance attend school. In 2000 96 percent of those completing ninth grade continued their education, of whom 52 percent chose academic secondary education and 38 percent vocational secondary education. Boys and girls were treated equally. Slightly more women than men completed post-secondary education.

There is no societal pattern of abuse against children. The law bans the physical punishment of children by adults, including their parents. The Government prosecuted those engaged in child prostitution and broke a Denmark-based, child pornography ring operating on the Internet.

Persons with Disabilities.—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. Building regulations require special facilities for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government generally enforced these provisions in practice.

Indigenous Persons.—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs. Accordingly it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999 a court ruled that the Government unjustly resettled Greenland Inuits in 1953 to accommodate the expansion of a U.S. Air Force base in northwest Greenland; the court ordered the Government to pay compensation to those displaced and their descendants. The compensation was substantially less than the amount that the defendants sued for, and the case remained under appeal in the Supreme Court at year's end.

National/Racial/Ethnic Minorities.—The inflow of ethnically and racially diverse refugees and immigrants caused some tension between citizens and immigrants (mostly Iranians, Palestinians, Pakistanis, Sri Lankans, Somalis, or refugees from the former Yugoslavia) and led to several legislative reforms. In response to publicity concerning the involvement of foreigners in street crime and allegations of ref-

ugee social welfare fraud, Parliament tightened immigration laws in 1999 and passed additional comprehensive legislation (the Alien Act) on July 1 (*see* Section 2.d).

The new law abolished the status of de facto refugee; only persons entitled by international convention to protection are able to obtain residency. Family reunification is now more difficult, and immigrants and refugees may no longer acquire permanent residence by living in the country for 3 years; rather, they must now reside in the country for 7 years and demonstrate that they have integrated into society and developed ties to the country. The new law also abolished access to reunification with parents over 60 years old.

There is no statutory right to reunification with a spouse. Both spouses must be at least 24 years old and be able to demonstrate a closer combined association to Denmark than to the foreign spouse's country. Access to reunification of foreign spouses with refugee spouses is abolished in cases where they marry after the refugee's flight to Denmark; these cases will be processed as would any application for reunification with a Danish spouse. For a marriage to be legal, both spouses must be lawful residents; persons with unlawful or procedural residence may not marry in Denmark.

There were 63 incidents of racial discrimination or racially motivated violence, compared with 100 in 2001; only 6 of these incidents involved violence, with the remainder involving such acts as vandalism and verbal abuse. The Government effectively investigated and dealt with cases of racially motivated violence.

Section 6. Worker Rights

a. The Right of Association.—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belonged to unions that were independent of the Government and political parties.

The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities.

Unions may affiliate freely with international organizations, and they did so actively.

b. The Right to Organize and Bargain Collectively.—The right to organize is protected by law. Workers and employers acknowledged each other's right to organize. Collective bargaining is protected by law and is widespread in practice. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and management and labor vote on its proposal. If the proposal is rejected, the Government may impose a legislated solution on the parties (usually based upon the mediators' proposal). The agreements are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group led by the Finance Ministry.

More than 50 percent of wage earners were in unions affiliated with the Confederation of Danish Labor (LO). The LO traditionally has had a close relationship with the Social Democrat Party. There were also 3 other umbrella labor organizations with which 41 unions were affiliated. There are also several independent unions not affiliated with any labor federations or umbrella organizations.

All unions except those representing civil servants or the military have the right to strike. Workers often exercised their right to strike. In 2001 approximately 59,500 workdays were lost due to strikes.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working

Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries do not use child labor.

The law prohibits forced and bonded labor by children, such practices are not condoned, and all forms of child exploitation are investigated and prosecuted (*see* Section 5)

e. Acceptable Conditions of Work.—The law does not mandate a minimum national minimum wage, but national labor agreements effectively set a wage floor. The lowest contractual hourly wage paid allowed in 2001 was approximately \$13 (88 kroner). However, the average wage of adult workers was \$26 (178 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year, and labor contracts added an average of 4 extra paid holidays in 2001. Workers normally worked a 37-hour workweek, which is established by contract, not by law. The law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the workweek is established by contract, not by law. Foreign workers with residence and work permission enjoy the same rights as citizens. Illegal foreign workers have no such labor protection.

f. Trafficking in Persons.—Trafficking was a problem. Late in the year, Parliament passed a new law specifically defining and criminalizing trafficking in persons. Previously, the Government had used laws against kidnapping and pimping to prosecute traffickers; Danish authorities had broadly identified “trafficking in women” as the bringing into the country of women for the purpose of prostitution even if they came to the country legally and voluntarily. The new definition aligned the law more closely with the international definition, which includes essential components of force, fraud, or coercion. Experience applying the new law has been limited but demonstrated possible technical enforcement problems where the force, fraud, or coercion components were lacking. Four persons involved in trafficking who were convicted earlier in the year under the old law appealed, and their cases were pending at year’s end.

The Government cooperated with international investigations of trafficking.

Authorities believed that women continued to be brought from Eastern Europe (the Baltics, in particular) and Asia to work as prostitutes. Victims lured by the prospect of higher wages and a better life, only to be forced into prostitution or have their passports withheld, were covered under the new law. Their traffickers were suspected to have ties to organized crime, specifically Russian and Baltic mafia, and were the subjects of ongoing police investigations and prosecutions.

The Government takes seriously trafficking in all its forms but is limited by a legal regime in which prostitution is, except for “streetwalking/solicitation,” legal and well-paid.

An interagency working group, created in 2000 to address trafficking—with members from the Ministries of Justice, Social Affairs, Gender and Equality, Employment, and Education, as well from NGOs—met monthly to share information. The Parliament appropriated approximately \$4.5 million (32 million kroner) for use during the next 3 years in projects related to trafficking, ranging from efforts to combat trafficking to assistance for trafficking victims. Working group ministries will be involved in administering these resources.

The Government did not provide medical or legal assistance directly to victims, and there was no governmental or nongovernmental entity specifically concerned with victims of trafficking. Several government-supported organizations provided services to victims on a case-by-case basis.

ESTONIA

Estonia is a parliamentary democracy. The Constitution established a 101-member unicameral legislature (State Assembly), a prime minister as Head of government, and a president as Head of State. In January the coalition government elected in 1999 stepped down and was replaced by a new coalition comprised of the Reform and Center Parties. The judiciary is independent.

The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service—Security Police—is subordinate to the Interior Ministry but also reports to the Prime Minister. Police leadership continued to work to develop, strengthen, and professionalize the police force. Police and corrections personnel continued to commit human rights abuses.

The country has a market economy and a population of approximately 1.4 million. Services, particularly financial, transit, and tourism, grew in importance compared to the historically more prominent light industry and food production. The privatization of firms, including small-, medium-, and large-scale enterprises, was virtually complete. The country experienced a growth rate of 5.5 percent, compared with 5.4 percent 2001. While wages and benefits kept up with inflation, there was a growing disparity between Tallinn (where one-third of the population resides) and the slower growing rural southeast and industrial northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. Police continued to mistreat prisoners and detainees and used excessive force. Prison conditions remained poor, although there were some improvements, including renovations in facilities nationwide. There was continued criticism of the discriminatory nature of the Citizenship and Aliens' Law due to its Estonian language requirements. Violence against women was a problem, and there were reports that women were trafficked for prostitution. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. Estonia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police continued to use excessive force and verbal abuse during the arrest and questioning of suspects. Six police officers were charged and found guilty of using excessive force; two others charged in 2001 were awaiting trial at year's end.

Prison conditions remained poor, although there were some improvements. By midyear the prison population was 4,737 inmates. Overcrowding was reported in the major prisons. A lack of funds and trained staff continued to be serious problems. The percentage of prisoners suffering from tuberculosis was much higher than in the general population.

The Government continued renovating and restructuring all of the country's prisons. A new prison in Tartu, built to EU standards, with a capacity of 500 inmates, opened in October. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners continued to increase. During the year, 564 prisoners were released under the Government's early release program. Men and women were housed separately; prison facilities for men, but not for women, were overcrowded. Juveniles also are housed in separate penal facilities. Pretrial detainees and convicted prisoners were held in the same prisons, but in different sections. On September 1, a revision to the Penal Code went into effect that offered the possibility of replacing prison sentences with community service.

The Government permits prison visits by independent human rights observers; the last such visit occurred in 1999.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and laws prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. There is a functioning bail system. A person may be held for 48 hours without being charged formally; further detention requires a court order. Police rarely violated these limits. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Lengthy pretrial detention is not a problem: The average time of detention was 3 ½ months. At year's end, 1,251 of the 4,415 prisoners were awaiting trial.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary operates through a three-tier court system: Rural and city courts, district courts, and the State Court (which functions as a supreme court). The district and State courts are also courts for “constitutional supervision.” At the rural and city levels, court decisions are made by a majority vote, with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who are appointed by the President. Judges are appointed for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. It also provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence. If a person cannot afford an attorney, the State provides one.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law requires a search warrant for the search and seizure of property. During the investigative stage, the prosecutor issues warrants upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for the privacy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters. Translation may be provided into other languages; international conferences are exempt from the law.

Four major national Estonian-language and two Russian-language daily newspapers were published, in addition to several weeklies. These publications were independent and not subject to government influence; more than half were foreign-owned. A local politician’s company owned one Russian daily. All newsprint, printing, and distribution facilities were privately owned. Foreign newspapers and magazines were widely available.

In January the city court of Tallinn found a journalist accused of libel not guilty. The plaintiff, whom police held briefly in connection with the 2001 murder of the publisher of a Russian-language daily, filed an appeal in District Court; the case was pending at year’s end.

A 2000 administrative court decision to fine a local television newsperson for using insulting words on the air against a local writer was under appeal at year’s end; further action appeared unlikely.

After a dispute in late 2001, the organization representing the country’s print press ended its cooperation with the existing ombudsman organization and created a new organization—the Press Council—with a similar purpose.

State (public) broadcast media, including one nationwide television channel (Estonian Television—ETV), continued to receive large government subsidies. The Government instructed ETV to stop broadcasting commercials as of July.

There were two commercial Estonian-language television channels and a wide range of private radio stations.

Some Russian-language programs, mostly produced in Estonia, were broadcast over state and private or commercial television channels. The Government played a large role in encouraging Russian-language programs on state television. However, in proportion to the size of the Russian-speaking minority in the country, the actual amount of Russian-language programming remained small, due in part to the Russian service’s limited budget. Russian state television and Russian commercial channels were available widely via cable.

Internet access was available and generally unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these

rights in practice. Permits for all public gatherings must be obtained 3 weeks in advance. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom did so. There were no reports of government interference in mass gatherings or political rallies during the year. Noncitizens are prohibited from joining political parties, although they may form social groups.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

Beginning in 1993, a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure have attempted to register under names similar to the registered Estonian Apostolic Orthodox Church (EAOC), which is independent. In May 2001, the Ministry of Foreign Affairs (MIA) declined to approve an application by representatives of the Moscow Patriarchate, explaining that it could not formally register this church under its desired name, since it would be confused too easily with the EAOC. Following an exchange between the Estonian Prime Minister and the Moscow Patriarch in 2001, as well as other discussions, on April 17, the MIA registered the church under the name Estonian Orthodox Church (EOC), Moscow Patriarchate.

On February 12, Parliament adopted a revised Law on Churches and Religious Organizations. The law removed a disputed provision from legislation proposed in 2001 that would have barred the registry of any church or union of congregations whose permanent or temporary administrative or economic management was performed by a leader outside the country. The President promulgated the revised law on February 27.

The majority of citizens are nominally Lutheran, but relations between the various religious communities generally are amicable. Tension between the ethnic Estonian and ethnic Russian populations generally did not extend to religious matters; however, the hierarchical dispute and legal conflict over church property did result in some resentment on the part of Christian Orthodox believers belonging to the EOC, Moscow Patriarchate.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Passports served as identification but do not have to be carried at all times. There were no exit visas.

The Government did not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The majority of noncitizens were ethnic Russians (see Section 5). The Government issued alien passports to resident aliens not in possession of other valid travel documents. Such aliens included: Persons who are designated as stateless, foreign citizens who cannot obtain travel documents from their country of origin or from another state, persons who file for Estonian citizenship and pass the language examination if required (pending receipt of citizenship), and aliens who are departing Estonia permanently. The Government approved the issuance of alien passports to noncitizens intending to study abroad and agreed to issue them to former military personnel who cannot or do not want to assume Russian citizenship.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Citizenship and Migration Board has authority over domestic refugee issues and oversees the state registry for asylum. Since 1999 an accelerated procedure has been in effect for processing refugee applications for those in the country, in addition to the already existing procedure at the border. Temporary residence permits may be granted to persons whose applications for a residence permit are based on an international agreement.

In the past, the Government granted first asylum, but it denied first asylum to all seven applicants during the year. The accelerated program began in 1999; during the year, 69 persons applied for asylum, of whom 7 were waiting for a reply at year's end. Of the applicants processed, four were granted asylum, and seven were granted temporary residence permits. The Citizenship and Migration Board turned down the remaining applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

The Government deported a small number of illegal aliens during the year, usually persons caught in criminal acts. By the end of July, three illegal aliens were held as internees pending deportation or a court order granting them residence.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. On January 8, the coalition government elected in 1999 stepped down and on January 28 was replaced by a new coalition comprised of the Reform and Center Parties. On October 20, nationwide municipal elections were held.

Only citizens may vote in parliamentary elections and be members of political parties. However, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election may vote in local elections, although they may not run for office. Approximately 1.1 million persons were citizens, of whom approximately 117,000 received their citizenship through the naturalization process. Holders of permanent or temporary residence permits numbered approximately 270,000 persons, 80 percent of whom are ethnic Russians (*see* Section 5). Illegal residents numbered approximately 30,000, and most were ethnic Russians; they were not included in the census figures.

There were 17 women in the 101-seat legislature. Four of the 13 cabinet ministers were women.

Ethnic Russians, who made up 28 percent of the population, held 7 of the 101 seats in the State Assembly. The law requires that Members of Parliament speak Estonian.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. A nongovernmental legal information center in Tallinn provided free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

The Government's Human Rights Institute monitored human rights and provided information to the international community. It investigated reports of human rights violations, such as allegations of police abuse and the inhuman treatment of detainees. The Institute operated an information center in the heavily ethnic Russian town of Kohtla-Järve.

A presidentially established roundtable composed of representatives of the State Assembly, the Union of Estonian Nationalities, and the Russian-speaking population's Representative Assembly discussed and made recommendations on social integration issues, as did an analogous but independent roundtable that met monthly in the county of East Virumaa.

The role of the Chancellor of Justice and the ombudsman were combined under legislation passed by the State Assembly in 1999. The chancellor-ombudsman, who also operated a branch office in the heavily ethnic Russian northeastern town of Narva, handled complaints by private citizens against state institutions.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination for any reason; however, reports of discrimination against ethnic Russian residents continued.

Women.—Violence against women, including spousal abuse, reportedly was common and continued to be the subject of discussion and media coverage. Neither domestic violence nor marital rape are criminalized, although they may be prosecuted under existing law. Rape and attempted rape occurred infrequently. In the first 11 months of the year, there were reports of 67 rapes and 10 attempted rapes, compared with 43 rapes and 9 attempted rapes for all of 2001. However, studies showed that 40 percent of crime, including domestic violence, went unreported. Even when the police were called, the abused spouse often declined to press charges, due to societal pressure.

There were reports that women were trafficked for prostitution (*see* Section 6).

Sexual harassment existed but was not reported officially. Although sexual harassment is not specifically mentioned in the penal code, it is possible to prosecute such cases under Code provisions on "Violation of Gender Equality." Although

women have the same legal rights as men under the law and are entitled in theory to equal pay for equal work, this was not the case in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and there continued to be female- and male-dominated professions. Women constituted slightly less than one-half of the work force; they also carried most major household responsibilities.

The Center of Women Citizens and a roundtable of women's organizations worked to promote women's rights.

Children.—The Government is strongly committed to education; it gave a high priority to building and refurbishing schools. The mandatory education period is 9 years. Education is free. Approximately 97 percent of those eligible attended school, with attendance in proportion to the breakdown by gender in the population. The Government provided free medical care for children and subsidized school meals.

There is no societal pattern of child abuse; however, studies, including one published by the local U.N. Development Program office during 2000, found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 11 months of the year, police registered 27 cases of sexual abuse involving 26 female victims and 1 male victim, all below age 16. In the same period, there were 32 cases of procurement for prostitution or criminal activity of victims younger than 18 years old. In one rape case, the victim was younger than age 14.

Persons with Disabilities.—While the Constitution provides for the protection of persons with disabilities against discrimination, and both the Government and some private organizations provide them with financial assistance, little has been done to enable persons with disabilities to participate normally in public life. There is no public access law, but some effort was made to accommodate persons with disabilities; for example, ramps were installed at curbs on new sidewalk construction, and public transportation firms acquired some vehicles that are accessible, as have some taxi companies. The law allows for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Estonian Constitution and language.

National/Racial/Ethnic Minorities.—During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to Estonia to work as laborers and administrators. These immigrants and their descendants made up approximately one-third of the total population; about 40 percent of these persons were born in Estonia.

The Law on Cultural Autonomy provides for the protection of cultures of citizens belonging to minority groups. Some noncitizens termed the law discriminatory, because it restricts cultural autonomy only to citizens; however, noncitizens may participate fully in ethnic organizations, and the law includes subsidies for cultural organizations.

In districts where more than one-half of the population speak a language other than Estonian, the law entitles inhabitants to receive official information in that language.

All residents, whether or not they are citizens, may complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case. All decisions are in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Some noncitizen residents, especially ethnic Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. The Citizenship Law includes a residency requirement for naturalization of 5 years and requires knowledge of the Constitution and the Citizenship Law, as well as Estonian language capability. Persons who were legal residents in the country prior to July 1, 1990, were exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language and civic knowledge requirements for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to Estonia. The Citizenship Law, as amended in 1998, grants citizenship to stateless children born to legally resident stateless parents after February 26, 1992 (upon the parents' or guardians' application). As of December, parents had applied for citizenship for 2,178 such children; 2,026 of the applications were approved.

While the OSCE and some other international organizations, such as the Finnish Helsinki Committee, have found the citizenship law to be satisfactory, some U.N. officials, the Russian government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements.

By law the following classes of persons are ineligible for naturalization: Those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those convicted of felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. The latter category includes spouses who came to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement. A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years. During the year, 4,091 persons received citizenship by naturalization. A total of 213,717 persons held permanent residence permits; 52,758 held temporary residence permits. Bureaucratic delays also were cited as disincentives for securing citizenship.

Partly in response to allegations by foreign governments of human rights violations against the noncitizen population, the Government in 1998 established a high-level commission to examine all aspects of bilateral relations, including a subgroup that would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian minority in Russia. However, by year's end, there had yet to be a formal session of the commission, and no action appeared likely.

A 2000 amendment to the law on aliens provides that the annual immigration quota does not apply to non-Estonian spouses of Estonian citizens if the spouses have a common child up to 15 years of age or if the female spouse is more than 12 weeks pregnant. In addition, the amendment provides that the quota does not apply to children up to 15 years of age if the parents are applying for a residence permit. On June 28, Parliament adopted an amendment to the aliens law that allows permanent residents who have resided in the country for at least 5 years to bring in spouses or close relatives without regard to the immigration quota.

Other than for land ownership, the law does not distinguish between citizens and noncitizens for purposes of business or property ownership, and land ownership by foreigners is restricted only in certain strategic areas. All legal residents of the country may participate equally in the privatization of state-owned housing.

The Language Law requires that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must use the Estonian language, with actual proficiency determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. A total of 28 prison officials were fired for noncompliance with the language requirement.

The Language Law, amended in 2000, conforms with EU recommendations regarding language requirements for persons working in the private sector. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the amended law establishes a requirement of proficiency in the Estonian language if it is in the public interest.

The language office liberally granted extensions to persons who can explain their failure to meet the requisite competence level. The Government established language-training centers; however, they lack qualified teachers, financial resources, and training materials. There were allegations that the examination process, which 75 to 90 percent of persons pass, was arbitrary. Some ethnic Russians asked for free language training. The examination fee for either language test—for employment or citizenship—was 15 percent of the monthly minimum wage, although it was waived for the unemployed. An EU program reimbursed language training costs for those who passed the examination.

The President's Roundtable continued to seek practical solutions to the problems of noncitizens. The Government continued implementing an integration program instituted in 2000 for the years 2000–07 aimed at fostering the integration of the non-Estonian-speaking population into Estonian society. In addition, at least 10 non-governmental organizations (NGOs) developed and implemented local programs to assist the integration of non-Estonians into society.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join a union or employee association. The largest trade union is the Central Organization of Estonian Trade Unions (EAKL); it was wholly voluntary and had approximately 50,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL and has approximately 40,000 members. A third central union represented food processing and rural workers. Approximately one-third of the country's labor force belonged to one of the three labor federations. Unions were independent of the Government and political parties.

The ICFTU's 2000 "Annual Survey of Violations of Trade Union Rights" stated that the registration requirements for trade unions, set out in the 1996 Non-Profit Associations Act, were "overly detailed" and "limited their right to decide upon the functioning of their decision-making bodies, stipulated procedures in respect to the establishment, merger, and separation of trade unions, federations and confederations, and gave the authorities the power to liquidate trade unions." A 2000 trade union law eliminated many of the problems.

The Labor Code prohibits antiunion discrimination, and employees may go to court to enforce their rights. The law provides for collective bargaining, collective dispute resolution, and shop stewards.

Unions may join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively.—While workers have the legally acquired right to bargain collectively, collective bargaining has not developed fully. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage (see Section 6.e.). The EAKL also was involved with developing the Labor Code, which covers employment contracts, vacation, and occupational safety.

The law provides for the right to strike, and the Constitution and statutes prohibit retribution against strikers. On December 9, railwaymen, metalworkers, and airline employees staged an 11-hour warning strike, which the unions said was necessitated by the Government's nonfulfillment of its obligations concerning labor market policy.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution does not specifically prohibit forced or bonded labor by children, and there were reports that families forced children into begging (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided that they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with education, and must be included on a government-approved list. Government authorities effectively enforce minimum age laws through inspections.

There were instances in which families forced their children to engage in peddling or begging (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage was \$115 (EEK 1,850). The national minimum wage—received by 5 to 6 percent of the workforce—was not sufficient to provide a decent standard of living for a worker and family. The average monthly wage in the second quarter was approximately \$321 (EEK 5,140).

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week. According to EAKL sources, legal occupational health and safety standards are satisfactory in theory; however, they were extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective. The labor unions also have occupational health and safety experts who assisted workers to bring employers into compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, while there were no official reports during the year that persons were trafficked to, from, or within the country, it was generally believed that women were trafficked to other countries, and there were reports of prostitution of victims younger than 18 years old (see Section 5).

The new Penal Code that took effect on September 1 specifically criminalized the trafficking of persons. There were no arrests or prosecutions of traffickers during the year.

There were reports that women were trafficked from the country to Scandinavia and Central Europe. Reportedly job advertisements placed from abroad to recruit women were in some cases associated with international prostitution rings.

In May the Nordic Council of Ministers, in cooperation with the Government, held a seminar in Tallinn entitled, "Trafficking in Women." The Conference drew public attention to the issue of trafficking in women and promoted international cooperation to address the problem. NGOs carried out several anti-trafficking campaigns.

FINLAND

Finland is a constitutional republic with a directly elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The Government maintains effective control of the police, all security organizations, and the armed forces.

The economy is primarily market based, and it provides citizens with a high standard of living. The population was approximately 5,195,000.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. The Government took steps to address the problem of violence against women. There were reports of trafficking in persons, primarily women but also some girls, for prostitution. Finland was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

During the year, there were a number of attacks by skinheads on Muslim owned businesses, and street fights between different ethnic groups occurred occasionally between younger groups. Somalis and Muslim immigrants were most at risk. The Government took steps to deal with this problem (*see* Section 5).

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees were held separately from criminals.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Warrants are required for arrest. If an individual is arrested while committing a crime, a warrant must be obtained within 3 days. Once arrested the accused must be given a court hearing within 3 days. There is no system of bail except for very serious crimes. Preventive detention is only permitted during a declared state of war for narrowly defined offenses, such as treason, mutiny, and arms trafficking.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges. Supreme Court justices may serve until their retirement, which usually is at age 63, although justices may serve until age 67.

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Local courts may conduct a closed trial in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to provide freedom of speech and of the press, including academic freedom.

There were 226 newspapers, including 56 that appeared at least 4 times a week and 26 dailies. A majority of the newspapers were independent; political parties published others. The country had 70 commercial radio stations; 3 national public service radio channels in Finnish and 2 in Swedish; a radio network in the Sami language; 3 digital radio channels; and 4 independent national television channels: 2 public service and 2 commercial channels.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There are two state churches: The Evangelical Lutheran Church and the Orthodox Church. Nontraditional religious groups practiced their religion freely.

All citizens who belong to one of the two state churches pay, as part of their income tax, a church tax. Those who do not want to pay the tax must inform the applicable state church that they are leaving that church. Nontraditional religious groups were eligible for some tax relief (e.g., they may receive tax-free donations), provided they are registered with, and recognized by, the Government as religious communities.

The Ministry of Education has outlined requirements for recognition of religious communities. Religious groups should have at least 20 members, the purpose of the group should be the public practice of religion, and the activities of the group should be guided by a set of rules. The Government recognized 45 religious communities as churches.

Instruction in the tenets of the state religions is incorporated into the curriculum of all public schools; however, students who are not members of the state churches may substitute general classes on religion and philosophy.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers were processed directly for residence. A 1999 law promotes the integration of immigrants who have been granted asylum. The issue of the provision of first asylum has never arisen.

A total of 3,129 applications for asylum were submitted during the year. There were 592 applications from Romanian Roma, 349 from Slovakian Roma, 252 from Russians, 248 from Bulgarian Roma, and 226 from refugees from Bosnia-Herzegovina. By year's end, the Government had processed 3,334 applications; it granted asylum to 14 applicants and residence permits to 577 others, including 250 who received it on the basis of need for protection. The authorities refused 2,312 applications. Following an initial asylum examination by the police (which can take several months), asylum applications must be heard within 7 days, and applicants have 8 days to appeal a decision.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women were well represented at all levels of government. There were 75 women in the 200-member Parliament and 7 in the 18-member Cabinet. The President, the Speaker of Parliament, and one of the two Deputy Speakers of Parliament were women. The law requires a minimum of 40 percent membership from each sex on all state committees, commissions, and appointed municipal bodies.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on sex, age, origin, language, conviction, opinion, or disability, and the Government effectively enforced these provisions.

Women.—Violence against women continued to be a problem. Although police statistics annually report around 3,000 cases of domestic violence (with one-fourth of the victims being men), the Government estimated that some 100,000 women lived in an atmosphere of violence. Approximately 30 women died every year from violence. An estimated one-half of divorced women have experienced violent behavior from their partners. Approximately 460 rapes were reported during the year. The true number of rapes remained unknown, as the threshold to report the act to police remained very high, particularly when the victim knew the perpetrator. Reports on violence against women indicated that only one rape in four was committed by an unknown assailant. The law criminalizes rape, spousal rape, and domestic abuse. The law provides for stringent penalties for violence against women, and the police and the courts enforced this provision. Courts have begun to impose slightly tougher sentences for rape; in the past 2 years, unconditional sentences have been lengthened by 6 months—from 18 months to an average of 2 years. Suspended sentences also have become longer.

The number of calls to the police concerned with domestic violence was not compiled centrally, but it was estimated at 10,000 to 12,000 annually, an estimate that shelter officials believed understated by one-half the number of actual incidents. The Union of Shelter Homes, as well as the municipalities, maintained 23 shelter homes for female, male, adult, and child victims of violence. Officials also established shelter homes for minors, mainly 15- to 18-year-olds. Most persons seeking shelter were women between 25 and 35 years of age, either married or in a common-law relationship, and nearly one-third were immigrants.

Administration of equality issues was divided between two units in the Ministry of Social Affairs and Health: The Office of the Ombudsman for Equality and the Gender Equality Unit. The Ombudsman for Equality continued to operate within the Ministry of Social Affairs and Health as an independent authority monitoring compliance with the Equality Act. The Gender Equality Unit had responsibility to prepare and develop the Government's equality policy in cooperation with the other ministries, to help mainstream gender equality, and to handle tasks related to the European Union's (EU's) equality law and policy and international activities. The Government's Council for Equality coordinated and sponsored legislation to meet the needs of women as workers, mothers, widows, or retirees.

Trafficking in women and children for the purposes of sexual exploitation was a problem (*see* Section 6.f.).

The Constitution calls for the promotion of gender equality in social activities and working life—the latter particularly in the determination of remuneration—and the country has a comprehensive equal rights law; however, in practice comparable worth has not been implemented because of the difficulty of establishing criteria. Women's average earnings were 82 percent of those of men, and women tended to be employed in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there were disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some government ministries remained male dominated. More than one-half of the country's physicians and 65 percent of medical school graduates in 2001 were women. Women served in the armed forces. Of the 79 complaints processed by the Government's Equality Ombudsman between January 1 and September 30, 14 cases were judged to be violations of the law. In such cases, the law provides for correction of the situation as well as compensation for the complainant.

Children.—The Government is strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education is free and compulsory for children between 7 and 16 years of age. More than 99 percent of children between these ages attended school, and girls and boys were treated equally in the education system.

There was no pattern of societal abuse of children, and the law reflected the national consensus supporting children's rights.

There were reports of trafficking in children for prostitution (*see* Section 6.f.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The deaf and the mute were provided 120 to 240 hours of interpretation services annually. The Government provided subsidized public housing to persons with severe disabilities.

Although the law requires that new public buildings be accessible to persons with physical disabilities, many older buildings remained inaccessible. No such law applies to public transportation, but municipalities subsidized measures to improve accessibility to public vehicles. Local governments maintained a free transport service that provided a minimum of 18 free trips per month for each person with disabilities.

Indigenous Persons.—Sami (Lapps), who constitute less than 0.1 percent of the population, benefited from legal provisions that provide for the protection of minority rights and customs. The Constitution provides for the protection of Sami language and culture and the Government financially supported Sami culture. Sami received subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have political and civil rights, and they were able to participate in decisions affecting their economic and cultural interests. The use of the Sami language, a minority language that is used regionally, is permitted in schools, the media, dealings with administrative and judicial authorities, economic and commercial life, and cultural activities.

National/Racial/Ethnic Minorities.—The number of immigrants rose from 91,074 in 2000 to 98,577 in 2001. Immigrants account for 1.9 percent of the population. For 2001 the Police reported 426 racially motivated crimes. However, a study conducted among immigrants showed that 71 percent of victims of racially motivated crimes had not reported it to the police. Most of the victims were Somalis and Arabs, who said they experienced police discrimination. The Government took steps to address racism and intolerance. All government ministries included anti-racism provisions in their educational, information, and personnel policy programs and included relevant measures in those programs. Ministries must lower the threshold for intervention in cases of racism and promote appropriate administrative practices. In addition, the Government monitored police, border guard officers, and teachers in their treatment of immigrant groups.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the rights of trade unions to organize and assemble peacefully. Approximately 79 percent of the work force was organized. All unions were independent of the Government and political parties.

The law protects workers against antiunion discrimination. Collective bargaining agreements as well as labor law, both of which were enforced, governs complaint resolution.

Trade unions freely affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually are based on income policy agreements between employee and employer central organizations and the Government.

The law grants public sector employees the right to strike, with some exceptions for employees who provide essential services. A strike is legal when an employment contract is not in effect and the action is directed against the contract, but a strike would be illegal after a contract agreed to by labor, employers, and the Government is in effect. Fines were imposed for illegal striking. During the first half of the year, there were 35 brief strikes, most of them in the industrial sector and most of them illegal.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits youths under 16 years of age from working more than 6 hours a day or at night. The Labor Ministry enforces child labor regulations; there were virtually no complaints of the exploitation of children in the work force.

e. Acceptable Conditions of Work.—There is no legislated minimum wage, but the law requires all employers—including nonunionized ones—to meet the minimum wages agreed to in collective bargaining agreements in each industrial sector. These minimum wages generally provided a decent standard of living for a worker and family.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law was enforced effectively as a minimum, and many workers enjoyed stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforced them. Workers can refuse dangerous work situations without risk of penalty.

f. Trafficking in Persons.—The law does not explicitly prohibit trafficking in persons; however, traffickers can be prosecuted under other laws that prohibit slavery, the exploitation of prostitution by means of coercion or fraud, pimping and other related activities, and arranging illegal entries. In a few cases, the authorities prosecuted traffickers; however, according to the Government, the trafficker was often abroad and therefore difficult to prosecute. There were 22 prosecutions for these offenses during the year.

There were reports that persons were trafficked to and through the country. Most trafficking involved women and girls for prostitution from Russia and Estonia, with lesser numbers from Belarus and the Ukraine. Women generally believed that they would be offered normal employment in jobs such as dancers, waitresses, or home assistants. Investigations revealed that they were recruited by organized crime groups and, upon arrival, were directed to locations and accommodations reserved for them by intermediaries in their countries of origin.

The law includes some provisions for witness protection. Legal council is provided to victims as well as medical care and psychological counseling. The Government participated in the funding of shelters, which were generally municipally run.

The Government and NGOs made efforts to prevent trafficking. A working group consisting of representatives of the police, border control, and immigration authorities handled illegal immigration, including trafficking; however, police budget constraints limited the Government's ability to address trafficking. The Ministry of the Interior supervised the EU's antitrafficking "STOP" project—a multinational network to monitor, analyze, and combat trafficking in persons.

FRANCE

France is a constitutional democracy in which citizens directly elect the President and the National Assembly in periodic, free, and fair elections. The judiciary is independent.

The law enforcement and internal security apparatus consisted of the Gendarmerie, the national police, and municipal police forces. Civilian authorities maintained control of the security forces. Some members of the police forces committed human rights abuses.

The country's population was approximately 60 million. The highly developed, diversified, and primarily market-based economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provide effective means of dealing with cases of individual abuse. There were instances of the abuse of detainees, particularly foreigners, and reports of the use of excessive force by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention were problems. Violence against women and children were problems, which the Government took steps to address. After an increase during the first half of the year, anti-Semitic incidents decreased during the second half of the year. There were instances of violence and discrimination against immigrants and religious minorities. Trafficking in women and girls was a problem, which the Government took steps to address. France was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents. However, there were isolated incidents of law enforcement officers using excessive force, which may have led to the death of one person in custody. There was no evidence of a pattern of abuse.

In September Georges Mondesir died of a heart attack after police took him into custody for threatening a neighbor with a knife. At year's end, the court of Nanterre continued an investigation into allegations that the police used excessive force.

There were some deaths of persons in custody (*see* Section 1.c.).

In April Richard Durn, held for killing eight municipal officials in Nanterre, jumped to his death from a window in the office where police were questioning him.

Administrative and judicial inquests determined that there was no official negligence in connection with Durn's suicide.

In a similar incident in December, Jerome H., a suspected pedophile, jumped to his death from the window of the interrogation room where he was being questioned by police. The Inspector General of Police Services opened an investigation, which was ongoing at year's end.

In April 2000, a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The officer was prosecuted and convicted of voluntary manslaughter, although he claimed he acted in self-defense. In July the case was retried on appeal, and a jury reduced the finding to involuntary manslaughter and issued a suspended sentence of 3 months.

In 1997 a police officer shot and killed Abdel Kader Bouziane as he attempted to run into a police barricade in a stolen car. The officer claimed he acted to protect his colleague at the barricade, and in December 2001 the Orleans Court of Appeals dismissed the case against him.

The eight Breton militants allegedly involved in the 2000 lethal bombing of a restaurant near Dinan remained in custody while the investigation continued. Eight Corsican nationalists charged in the 1998 killing of Corsican Prefet Claude Erignac remained in custody. The Paris Court of Appeals rejected an appeal by four of them; the eight are to be tried in early 2003.

Former Vichy official Maurice Papon, who was convicted in 1998 and sentenced to 10 years imprisonment for complicity in crimes against humanity for signing orders leading to the deportation of 1,690 Jews from 1942 to 1944, appealed his sentence under a law passed in April that frees mortally ill prisoners who do not pose a threat to public order. On September 18, the Court of Appeals of Paris ruled that Papon, who is elderly and infirm, should be released on grounds of ill health. He was freed later that day. The Minister of Justice, the Prime Minister, and civic groups publicly condemned the decision. The Government appealed the decision to the Court of Cassation and sought Papon's return to prison. The case remained pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were allegations of isolated incidents in which law enforcement officers used excessive force. There was no evidence of a pattern of abuse. The authorities investigated alleged abuse by officials and punished those responsible when the allegations were substantiated. The Inspector General of the National Police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Commission on the Conduct of Police and Security Forces investigated and reported to the Prime Minister and Parliament on cases of misconduct by national and municipal police, gendarmes, and private security forces. The National Consultative Commission on Human Rights also monitored police conduct.

On February 22, police reportedly physically assaulted and shouted racial insults at French national Karim Latifi after he interrupted police officers in the process of questioning a group of youths at a roadblock in Paris. Approximately 15 other officers reportedly were implicated in the subsequent assault, striking him with truncheons and punching and kicking him. He received serious head injuries and a broken nose. The public prosecutor of Paris opened an inquiry into the case, which continued at year's end.

Government authorities continued to be concerned about violence in Corsica. The Corsican National Liberation Front claimed responsibility for 12 bombings this year; there were many other bombings that had not been claimed but were under investigation to determine whether their motivation was political or criminal. By year's end, investigations continued in the killings of three members of the Armata Corsa and the 2000 shooting deaths of former Corsican nationalist militant Jean-Michel Rossi and his bodyguard.

The Government took steps to address the concerns of Corsican nationalists. In December 2001, Parliament approved the Matignon Agreement of 2000 that gives Corsica greater autonomy. However, in January the Constitutional Council declared that the first article violated the Fifth Republic's constitutional prohibition against delegating legislative authority to local or regional assemblies. At year's end, both the National Assembly and the Senate approved an extensive decentralization reform package that includes measures to reform the Constitution to allow delegation of authority in the manner called for by the Matignon Agreement. A final vote is scheduled for early 2003.

Prison conditions generally met international standards; however, public debate continued on the adequacy of prison conditions. In the past several years, credible

nongovernmental organizations (NGOs) have reported overcrowding and unacceptable hygiene conditions in prisons. In September Parliament approved a prison reform bill that provided for the replacement of old prisons and the building of space for 13,200 more prisoners. The Government began construction and anticipated completing its plan to build 30 new prisons by 2006.

According to the Ministry of Justice, there were 54,950 persons in custody as of June. There was no evidence of deaths in prison due to mistreatment during the year. The Ministry of Justice reported 235 deaths of persons in custody in 2001, of which 104 were suicides. The country does not keep statistics on causes of death of prisoners other than suicide. The NGO French Prison Suicide Observatory reported 116 suicides and suspicious deaths during the year.

Men and women were held separately, juveniles were held separately from adults, and convicted criminals were held separately from pretrial detainees and those serving sentences of less than 1 year.

The Government permitted prison visits by independent human rights observers. The Council of Europe's Committee for the Prevention of Torture visited the country in June but had not released a report of its findings by year's end.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, credible sources have criticized the judicial system for its inability to process suspects quickly. Some suspects spend many years in prison before a trial. According to the Prison Administration, as of June 18,598 of the 54,950 persons held in jails and prisons were awaiting trial.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers. Suspects must have access to a lawyer within 1 hour of being detained. Pretrial detention is generally only allowed if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. There is a system of bail.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. Prospective magistrates compete for entry into the National School for Judges; upon completion of their course of study and rigorous exams, magistrates are placed according to their class ranking.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (*see* Section 1.d.). In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. The *chambre d'accusation* reviews the investigating judge's investigation to determine whether the charge established by the investigating judge was appropriate. The Court of Assises investigates and decides cases involving serious criminal offenses.

There were no significant developments during the year in Abdelhamid Hakkar's suit before the European Court of Human Rights (ECHR) charging that the Government violated Article 5 of the European Convention on Human Rights by keeping him in provisional detention for 5 years.

Omar Raddad, convicted of murder in 1994 and later pardoned by President Chirac, submitted a motion for a retrial in 1999 after new DNA evidence was discovered. On November 20, the Court of Revision determined that there was insufficient evidence to merit either a retrial or the annulment of Raddad's original conviction. Raddad stated his intention to appeal to the ECHR.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Wiretapping is recognized as a legal right of the Government. The judge investigating the 1999 wiretapping cases deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT) presented his findings to the Paris public prosecutor's office in February 2000; that office was considering the matter at year's end. According to the 2001 report of the NCRWT, the number of requests for administrative wiretaps increased from 3,161 in 2000 to 4,625 in 2001.

Some religious minorities have experienced problems with the wearing of special religious clothing (*see* Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. However, an 1881 press law that may be used to restrict freedom of expression remained in force despite criticism from the ECHR.

The independent media was active and competitive and expressed a wide variety of views without government restriction. Internet access was widely available and unrestricted.

In June the ECHR found that the prosecution of two journalists under the 1881 press law prohibiting insulting foreign leaders was unjustified, and the court criticized the law as outdated. The ECHR found that the Paris Court of Appeals interfered with the freedom of expression of two journalists in its 1995 ruling that they had insulted King Hassan II of Morocco. In a separate case, three African heads of state invoked the same law in their suit against the author and publisher of the book, “Noir Silence.” In 2001 a French court dismissed the case on the grounds that the 1881 law restricted speech in a manner incompatible with the European Convention on Human Rights. The plaintiffs appealed, but in July, the Paris Court of Appeals dismissed the case.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Regular demonstrations on various issues occurred without incident.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The 1905 law on the separation of church and state prohibits discrimination on the basis of faith. Minority religious groups continued to be concerned about the possible impact of legislation passed in 2001.

In order to receive tax-exempt status, religious groups must apply with the local prefecture to be recognized as an association of worship and disclose certain management and financial information.

The Government has encouraged public caution toward some minority religious groups that it may consider to be cults. A 1996 parliamentary commission report identified as so-called cults 173 groups, including Jehovah’s Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. Members of some of the groups included in the list have alleged instances of intolerance due to the ensuing publicity. The “Interministerial Mission in the Fight Against Sects/Cults” (MILS) was formed in 1998 to coordinate government monitoring of sects/cults. In February MILS released its annual report on the monitoring of cults. The president of MILS resigned in June under criticism and an interministerial working group was formed to determine the future parameters of the Government’s monitoring of sects/cults. In November the Government announced the formation of the Interministerial Monitoring Mission Against Sectarian Abuses (MIVILUDES), which is charged with observing and analyzing sect/cult movements that constitute a threat to public order or that violate French law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid. In its announcement of the formation of MIVILUDES, the Government acknowledged that its predecessor, MILS, had been criticized for certain actions abroad that could have been perceived as contrary to religious freedom.

Religious organizations remained concerned about the June 2001 About-Picard law, which tightens restrictions on associations and provides for the dissolution of groups, including religious groups, under certain conditions. By the end of the year, no cases had been brought under the new law. In November the Council of Europe passed a resolution inviting the Government to reconsider the About-Picard law and to clarify certain terms in it, stating that only the ECHR could make a determination as to the law’s compatibility with the European Convention on Human Rights.

Some observers were concerned about the tax authorities’ scrutiny of the financial records of some religious groups. On February 28, the Versailles Court of Appeals upheld a Nanterre court’s 2000 decision that the Jehovah’s Witnesses must pay more than \$47.5 million (45.7 million euros) in back taxes. The Jehovah’s Witnesses, some branches of which are not recognized as tax-exempt religious organizations, were appealing the decision to the Court of Cassation at year’s end.

In 2001 local authorities in La Rochelle and Lorient refused to rent Jehovah’s Witnesses public space for meetings, citing as a basis for their decision the inclusion of the group in the 1996 parliamentary report on sects. In February and May, administrative tribunals overturned each city’s decision, concluding that the par-

liamentary report had no legal basis and that the cities could not refuse the group access to public space.

In 2001 charges were filed against the Church of Scientology for fraud and false advertising in a lawsuit brought by three former members. In May the court found the Paris branch guilty of violating the privacy of former members and fined it approximately \$8,316 (8,000 euros); however, the branch was cleared of attempted fraud and false advertising. The court fined the president of the Ile-de-France section of the organization approximately \$2,079 (2,000 euros). Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school remained ongoing.

Foreign missionaries from countries not exempted from visa requirements to enter the country must obtain a 3-month tourist visa before leaving their own country. All missionaries who wish to remain in the country longer than 90 days must obtain visas before entering the country. Upon arrival, they must apply with the local prefecture for a *carte de sejour* (a document that allows a foreigner to remain in the country for a given period of time) and must provide the prefecture a letter from their sponsoring religious organization.

Debate continues over whether denying some Muslim girls the right to wear headscarves in public schools constitutes a violation of the right to religious freedom. Various courts and government bodies have considered the question on a case-by-case basis; however, there has been no definitive national decision on this issue.

The State subsidizes private schools, including church-affiliated schools. Central or local governments own and provide upkeep for religious buildings constructed before the 1905 law separating church and state.

During the year, some religious minorities experienced problems. In the first half of the year, the number of anti-Semitic incidents increased. Attacks ranged from graffiti and harassment to cemetery desecration and firebombing, mainly as a result of increased tensions in the Middle East. According to the press, the police reported approximately 400 incidents from March 29 to April 17, with the most serious occurring over the Easter-Passover weekend. French authorities increased security for Jewish institutions, investigated the attacks, and made arrests. Disaffected youths were apparently responsible for many of the incidents.

In addition, several incidents occurred against members of the large Arab/Muslim community, including incidents of harassment and vandalism.

Scientists continued to report cases of societal discrimination during the year. Panda International software company claimed that press reports in 2001 and critical statements by government officials linking it to the Church of Scientology continued to cause a significant loss in business.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. In 2001 the Government received 47,291 requests for asylum and issued 7,323 refugee certificates (a document issued to successful asylum applicants).

During the year, thousands of illegal immigrants massed in Calais, in the north of France, and staged attempts to cross into Britain through the trans-Channel rail tunnel connecting France and England. These migrants were allowed to seek refuge in shelters and to apply for asylum, but many refused and tried to enter the United Kingdom. In November Sangatte, an overcrowded Red Cross refugee center in Calais that was seen as a "magnet" for illegal migrants, was closed to new occupants under a Franco-British accord. The accord also improved security at the Channel tunnel. Sangatte was closed permanently in December and its remaining occupants were granted asylum in either the United Kingdom (1,000) or France (150). Asylum-seekers continued to come to Calais to attempt to cross to the United Kingdom; finding Sangatte closed, some slept in the streets, public buildings, and churches. The Government required them to use other refugee centers in the vicinity and to apply for asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There were 101 women in the 898-seat legislature and 10 women ministers in the 38-member Cabinet. Of the 190 members of the Court of Cassation, 74 were women. Thirty-five of France's 87 elected representatives to the European Union (EU) Parliament were female. In 2001 a constitutional amendment was implemented requiring parties to have equal numbers of women and men on their list of candidates or face fines. The amendment had a more significant impact on municipal elections than on national elections. As a result, the proportion of women elected in municipal councils increased from 25 percent in 1995 to 50 percent in 2001. The percentage of towns with populations greater than 3,500 that have female mayors grew from 5 percent in 1995 to 7 percent in 2001. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the collective territory of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums and, along with the overseas departments, they elect deputies and senators to the French Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)—an independent body in the Office of the Prime Minister—which has nongovernmental as well as governmental members also monitored complaints and advised the Government on policies and legislation.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Statutes ban discrimination based on race, sex, ethnic background, or political opinion.

Women.—The Penal Code prohibits rape and spousal abuse, and in general these laws were enforced; however, violence against women remained a problem. The Ministry of Interior reported that in 2001 there were 9,574 rapes and 15,273 instances of other criminal sexual assault; in 2001 there were 1,718 convictions for rape. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$46,778 (45,000 euros) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsored and funded programs for women who were victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assisted abused women.

On October 4, in the Parisian suburb of Vitry-sur-Seine, a 17-year-old woman named Sohane, was burned to death in an attack by 19-year-old Jamal Derrar. Derrar was taken into police custody on October 6 and was awaiting trial at year's end. Although the killing was an isolated incident, press reports and civil rights NGOs linked the incident to the "repressive atmosphere" in some suburbs dominated by immigrants from Arab countries. Some men in these suburbs reportedly intimidated women whom they perceived as breaking with social norms. The Government and NGOs have spoke out to condemn this behavior, which ranged from verbal abuse to physical assault and rape. On October 14, President Chirac announced the creation of an "independent authority" to combat all forms of discrimination, especially that against women.

Prostitution is legal; acting as a pimp is illegal. Trafficking in women for the purpose of sexual exploitation was a problem (*see* Section 6.f.). A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace. In January the Social Modernization Law modified existing laws on sexual harassment to prohibit harassment by colleagues as well as supervisors, to place on the employer the burden of proof that discrimination did not take place, and to create a mediation process to help workplaces address problems with harassment.

The law requires that women receive equal pay for equal work; however, this requirement often was not implemented in practice. Reports by various governmental organizations and NGOs have indicated that men continued to earn more than women and that unemployment rates continued to be higher for women than for men. The National Institute of Statistics and Economic Studies reported that in 2002 the unemployment rate for women was 10.1 percent, compared with 8.2 percent for men.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecuted abusers. Child abuse was a problem, which the Government took steps to address. In 2001 there were approximately 18,000 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, compared with 18,300 in 2000. Approximately 5,900 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. In 2001 there were 502 convictions for rapes of minors under the age of 15 and 3,750 convictions for cases of sexual assault against minors. In 2001 there were 7,961 convictions for cases of violence, mistreatment, and abandonment of minors. The Government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various associations also helped minors seek justice in cases of mistreatment by parents.

Trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1991 law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible.

National/Racial/Ethnic Minorities.—Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted an increase in the number of reported incidents of racist threats—163 threats were reported in 2001, compared with 129 in 2000; there were 38 incidents of racist violence in 2001, compared with 30 in 2000. According to the report, there were no deaths due to racist violence in 2001.

On October 4, two cafes frequented by North Africans in the outskirts of Dunkerque were the targets of drive-by shootings. A 17-year-old man was killed and three people were injured in the attacks. The investigation remained ongoing at year's end.

The Government has criticized strongly such actions and attacks and has strict antidefamation laws. Government programs attempted to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There also were antiracist educational programs in some public school systems.

During the year, the Government launched a campaign against racism and worked with NGOs to sensitize people to the problems of racism and discrimination through advertising campaigns, public service messages, and reminders that racial discrimination is punishable by 2 years imprisonment and a \$31,185 (30,000 euros) fine. The campaign also publicized the Government's free hot line to report discrimination. The hot line, a joint project of the Ministry of Labor and the NGO Group for Study and Combat of Discrimination (GELD), received over 86,594 calls between its debut in May 2000 and the end of May 2002.

On December 10, the French National Assembly voted unanimously in favor of a new law to toughen penalties for crimes of a "racist, anti-Semitic, or xenophobic" nature. The new law calls for harsher sentences for perpetrators of "physical or material violence committed because of the victim's membership or nonmembership, real or supposed, in an ethnicity, nationality, race, or specific religion." This law would double the prison sentences and increase fines for racist violence. The Senate is scheduled to consider the bill in 2003.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association for all workers, and workers exercised this right. Trade unions exercised significant economic and political influence, although less than 10 percent of the work force was unionized. Unions have legally mandated roles (as do employers) in the administra-

tion of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body. Unions and labor federations were independent of the Government, and most were not aligned with any political party; however, many of the leaders of the General Confederation of Labor and its unions belonged to the Communist Party.

The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

Unions were permitted to join federations and confederations, including international bodies, and many did so.

b. The Right to Organize and Bargain Collectively.—Workers, including those in the three small export processing zones, have the right to organize and bargain collectively, and workers exercised this right. The law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force was covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, were available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and non-union employees, are elected every 2 years.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. One-fourth of all salaried employees worked for the Government; however, the Ministry of Social Affairs did not track the number of workdays lost to strike action in the public sector. The number of workdays lost to strike action in the private sector in 2001 decreased by 16 percent, and the number of strikes fell by 26 percent.

Most unions did not call strikes during the first half of the year, when public attention was focused on presidential and legislative elections in April, May, and June. However, private physicians held a series of 1-day strikes in the spring, seeking a government increase in patients' fees per visit. Their demands were met after the new government was installed. In late spring, the economy slowed and the number of layoffs increased; strikes in the private sector during this time remained uncommon. However, workers in the public sector called a series of strike actions in the fall. Their principal concerns were a de facto return to the 39-hour workweek, a reduction in the overall number of civil servants, the end of guaranteed life employment contracts, and the reform of the retirement system.

In September pilots at Air France went on strike demanding higher pay and protested plans to partially privatize the airline. In October 40,000 utility workers staged a march to protest plans for layoffs and decreased retirement benefits. The same issues concerned workers at the public rail company.

In October 50,000 members of the education sector demonstrated to protest the 2003 budget. In November truckers, air traffic controllers, postal workers, driving test examiners, French telecom employees, and the regional transport system employees staged various strikes. A rail workers strike in the southwest of the country began on November 26 and ended on December 11.

The law prohibits retaliation against strikers, strike leaders, and union members, and in general the Government effectively enforced this provision.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. In general, work considered arduous, or work between the hours of 10 p.m. and 5 a.m., may not be performed by minors under age 18. Laws prohibiting child employment

were enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

e. Acceptable Conditions of Work.—The administratively determined minimum wage is revised whenever the cost-of-living index rises two percentage points. This year it was \$7.10 (6.83 euros) per hour. This wage represented the maximum rate of a multi-step minimum wage scale, which was created to lower the burden of the 35-hour workweek for small and medium sized companies. The minimum wage provided a decent standard of living for a worker and family.

The new center-right government introduced legislation to revise the laws on working conditions. The legal workweek was 35 hours. In September the Labor and Social Affairs Minister presented a plan to raise the annual overtime ceiling from 130 to a maximum of 180 hours (depending on the employment sector); the plan went into immediate effect and allowed a de facto return to the 39-hour workweek.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards were high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons.—The law prohibits the trafficking of persons; however, trafficking in women and girls for prostitution and domestic slavery was a problem.

In January the Government passed a bill to eliminate human trafficking. The law creates a specific infraction in the penal code focused on trafficking in persons.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually were prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$145,530 (140,000 euros). Penalties increased to a maximum of 10 years in prison and approximately \$1.46 million (1.4 million euros) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$2.9 million (2.8 million euros). The use of “torture” or “barbarous acts” in the course of pimping is punishable by up to life imprisonment and up to \$4.37 million (4.2 million euros) in fines. These laws were enforced to various degrees; there also are strict laws combating trafficking in persons as it relates to domestic slavery. Slavery is punishable by up to 2 years’ imprisonment and \$73,800 (71,000 euros). When the crime applies to more than one victim, punishments increase to 5 years’ imprisonment and \$145,530 (140,000 euros) in fines.

The Government used existing legislative tools to further combat prostitution and trafficking networks. One set of laws targets the client; the other targets the prostitute. Soliciting sex from a prostitute is a minor offence subject to a fine; however, legislators under pressure from the Minister of Interior moved to categorize this behavior as a crime. The second tool being used to combat prostitution is to charge the client with the offense of “sexual exhibition” (engaging in sexual behavior in public). Prostitutes may also be prosecuted for touting sex or “sexual exhibition.” Constituents criticized mayors of large cities including Strasbourg, Bordeaux, and Lyon for the highly visible prostitution in those cities; as a result, the local governments moved prostitutes away from the city centers, schools and public institutions by invoking a police decree against stationing prostitutes within city limits.

In March new laws that target clients of child prostitutes took effect. They prohibit solicitation of sex with a minor in exchange for money and make this a crime punishable by up to 10 years in jail and a maximum fine of \$207,900 (200,000 euros). In July two men were charged in separate cases after being caught by authorities with Romanian child prostitutes, but judgements had not been rendered by year’s end. In October a man in Bordeaux was convicted for sexual relations with a child prostitute and required to pay \$260 (250 euros) of the \$1,040 (1,000 euros) fine originally imposed.

Several law enforcement agencies were involved in the effort to combat trafficking. OCRTEH was under the authority of the central criminal investigation directorate of the police judiciary, which handled organized crime. OCRTEH centralized information and coordinated operations to counter trafficking and maintained contacts with the police, the Gendarmerie, the border police, foreign and international law enforcement authorities, and NGOs. Regional services of the police judiciary also combat trafficking, and the police judiciary had brigades to combat

pimping in Paris and Marseille. Local police forces also addressed problems of prostitution and pimping.

The Government regularly cooperated on a bilateral basis or with international institutions such as Europol to investigate, track, and dismantle trafficking rings. In early October, a multinational operation dubbed "Girasole" (Sunflower) led to 80 arrests and the dismantling of a major trafficking network that operated out of the Ukraine, but was also present in France, Spain, Germany, and Austria.

In July 2001, police broke up a human trafficking ring involving at least 12 non-French traffickers operating from a refugee center in Calais, where they were accused of trafficking people through the Channel tunnel to the United Kingdom (*see* Section 2.d.). In January the court in Boulogne sentenced the primary organizers to periods ranging from 4 to 6 years in jail. The other members of the ring were given shorter sentences.

The country was a destination for trafficked victims, primarily women from Moldova, Ukraine, and Romania. Women were also trafficked from Haiti and Africa, particularly Nigeria, Togo, and the Democratic Republic of the Congo. The number of women trafficked from the former Soviet Union, Eastern Europe, and the Balkans increased and received increased press attention. In general victims were trafficked into sexual exploitation or domestic slavery. In addition, the country was a transit point for women trafficked for sexual purposes from South America and Eastern and Southern Europe.

NGOs estimated that there were between 3,000 and 8,000 child prostitutes in the country. The majority were brought in illegally and exploited by organized crime networks. Most were between 15 and 18 years old; however, some were as young as 10 years old. The girls were primarily trafficked from Eastern Europe (Albania, Kosovo, Ukraine, Bulgaria, Russia, and the Czech Republic) and West Africa (Sierra Leone, Nigeria, Ghana, and Cameroon). The country was also a destination for trafficked Romanian children, many of Romani descent. These children have traditionally been widely used by their handlers as beggars and thieves throughout the country. Many of these child thieves/beggars increasingly turned to prostitution. In October Minister of Interior Sarkozy and the Romanian Minister of Foreign Affairs signed an agreement that would return Romanian children and prostitutes illegally in France to Romania. The first deportations under this agreement took place in December.

There were organized rings of traffickers, primarily from southeast Europe, and the number of young women, often between the ages of 16 and 19, brought into the country to work as prostitutes continued to increase. Many women and girls were resold from one network to another, and the open borders under the Schengen Accords made it difficult for police to monitor and count them. During the year, officials estimated that the prostitution trade had increased by 30 percent since 1997. Police estimated that of the 12,000 to 15,000 women prostitutes who worked in France, as many as 90 percent were forced into the trade by "micro-trafficking networks." Some victims came as a result of fraud or force; some were brought by a friend, or a friend of a friend; others had worked as prostitutes in their home countries and were willing to continue the practice to pay for their immigration papers. Traffickers used methods ranging from the confiscation of the victim's identification papers to cultural isolation to physical or psychological abuse.

In September media reports stated that Nigerian organized crime groups were taking over the African prostitution market in the country. The traditional African "mamas" and their volunteer prostitute networks were being forced out in favor of a more strictly controlled sexual slave trade. The articles claimed that African prostitutes constituted 35 percent of all prostitutes in the country, surpassing the number of prostitutes from Eastern Europe (25 percent). The influx of new women exacerbated turf wars between the different organized crime groups operating the trafficking networks in the country.

Aide Sociale a l'Enfance (ASE), the national social services branch for childcare, was responsible for caring for and assisting victims under the age of 22. The Government had no specific protection programs in place for trafficking victims. Those victims located or arrested by the authorities normally were processed as illegal immigrants and may be detained or jailed. Trafficking victims may be granted temporary residency while they apply for asylum. Victims were encouraged to file legal action against traffickers. The Government worked closely with other countries and NGOs to combat trafficking. The Government supported trafficking prevention programs as part of the EU, including information and media campaigns, seminars, and a trafficking prevention project in West Africa. ASE worked closely with the Office for the Protection of Refugees and Stateless Persons. The Committee Against Modern Slavery brought cases of domestic and modern slavery to the authorities for prosecution.

Numerous NGOs dealt with trafficking in persons and prostitution. The Parada Association worked towards integrating Romanian child beggars and prostitutes into society. The Scelles Foundation, which had a center for international research and documentation of sexual exploitation, provided information to the media on the issue and supported other associations in the country and around the world. The NGO L'Amicale du Nid worked directly with prostitutes.

GEORGIA

The Constitution provides for an executive branch that reports to the President and a legislature. The President appoints ministers with the consent of Parliament. Local and municipal elections were held in June. The elections were marred by irregularities that prevented some eligible voters from participating. International observers criticized the election, citing hasty and poor organization by authorities and inaccurate voter registers. Lengthy recounts prevented the Tblisi city council from convening until November. The 2000 elections in which Eduard Shevardnadze was reelected to a second term as President were also criticized by international observers. Parliamentary elections in 1999 were characterized by the Organization for Security and Cooperation in Europe (OSCE) as a step toward the country's compliance with OSCE commitments. The civil war and separatist wars that followed the 1992 coup ended central government authority in Abkhazia and South Ossetia, and weakened central authority in the autonomous republic of Ajara and elsewhere in the country. The Constitution provides for an independent judiciary; however, the judiciary was subject to executive pressure.

The Ministry of Internal Affairs (MOIA) and the Prosecutor General's office had primary responsibility for law enforcement, and the Ministry of State Security played a significant role in internal security. In times of internal disorder, the Government could call on the MOIA or the military. Elected civilian authorities did not maintain effective control over the law enforcement and security forces. Members of the security forces committed a number of serious human rights abuses.

Government efforts to develop a market-based economy were stifled by corruption and mismanagement. The country has a total population of approximately 4.4 million which represented a steep decline in population since the 1990 census. Key exports were scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 19 percent of gross domestic product (GDP), and GDP during the first 6 months of the year increased 4.2 percent to \$1.6 billion (3.4 billion GEL). Official data indicated that approximately 53 percent of the population lived below the poverty level. There was a growing fiscal deficit due to continued low revenue collection. Government salaries and pensions remained in arrears.

The Government's human rights record remained poor; although there were a few improvements, serious problems remain. Numerous serious irregularities in the 1999, 2000, and June elections limited citizens' right to change their government. Numerous nongovernmental organizations (NGOs) reported that police brutality continued. Security forces continued to torture, beat, and otherwise abuse detainees. Corruption in law enforcement agencies was pervasive. NGOs also blamed several deaths in custody on physical abuse, torture, or inhumane and life-threatening prison conditions. Arbitrary arrest and detention remained a problem during the year. The Government took no concrete steps to address these problems, and lack of accountability remained a problem. The judiciary was subject to pressure and corruption and did not ensure due process. Reforms to create a more independent judiciary were undermined by failure to pay judges in a timely manner. There were lengthy delays in trials and prolonged pretrial detention remained a problem. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, occasionally security forces and other authorities intimidated and used violence against journalists. Journalists practiced self-censorship. Government officials infringed upon freedom of religion. The Government continued to tolerate discrimination and harassment of some religious minorities. Violence and discrimination against women were problems. Trafficking for the purpose of forced labor and prostitution was a problem. Georgia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with approximately 270,000 internally displaced persons (IDPs) from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya, posed a continued threat to national stability.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by government agents.

There were 34 deaths in custody; security force abuses reportedly contributed to several of these deaths.

During the year, there were 31 deaths in prison attributed to suicide, disease, or sickness (*see* Section 1.c.).

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including partisan groups and forces of the Abkhaz separatist regime. The most recent serious outbreak of hostilities between armed groups took place in 2001 and resulted in the deaths of approximately 60 members of armed groups and 21 civilians. Killings and other abuses on both sides of the conflict were not investigated, prosecuted, or punished adequately. During the year, the Government criticized these partisan groups, but took no concrete action to curtail their activities, particularly those of Davit Shengelia, the leader of the partisan organization Forest Brothers.

Both government and Abkhaz forces laid tens of thousands of landmines during the 1992–93 fighting. There were numerous reports in 1999 and 2000 that groups from the country, allegedly linked to the Government, infiltrated Abkhazia and laid antipersonnel mines. There was a reduction in landmine casualties during the year due to migration out of the area and to the activities of landmine clearing organizations such as the Halo Trust.

b. Disappearance.—Partisan groups active in Abkhazia engaged in criminal activity and frequently took hostages to exchange for captured compatriots. Abkhaz and government officials agreed on joint law enforcement efforts to prosecute kidnapers and other criminals that could threaten to destabilize the ceasefire. During the year, there also were many instances of kidnaping for ransom elsewhere in the country, which included both local and foreign citizens. The MOIA reported 15 cases of kidnaping in the first half of the year and stated that investigations had resulted in charges for 9 of these cases. There was widespread speculation that corrupt law enforcement officials were involved in some of these kidnappings. Many citizens, including some members of Parliament, alleged publicly that senior law enforcement officials were involved in kidnappings for ransom. Kidnaping of foreigners continued.

On June 19 in Tbilisi, persons in police uniforms kidnaped banker Peter Shaw, a British citizen, from his car. The Minister of State Security publicly announced that the identities of Peter Shaw's kidnapers were known to the authorities and alleged Interior Ministry officials were involved in the abduction. The Minister of State also publicly confirmed the possible involvement of government officials in the kidnaping. Shaw escaped on November 6; an investigation into the kidnaping was underway at year's end.

Government and Abkhaz commissions on missing persons reported that over 1,000 Georgians and several hundred Abkhaz remained missing as a result of the 1992–1994 war in Abkhazia (*see* Section 1.g.). Officials agreed to joint efforts to determine their location and repatriate the remains of the dead. The International Committee of the Red Cross (ICRC) assisted this effort.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, according to the U.N. Human Rights Committee (UNHRC), members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. International and domestic observers noted that incidents of police abuse increased following the 2000 presidential elections. Serious abuses and police misconduct, such as the fabrication or planting of evidence, remained problems. During the year, there were several cases of police officers brought to trial, dismissed, or demoted for abuses; however, impunity remained a problem. According to human rights observers, many police appeared to believe that they would not be held accountable for such actions.

Government officials acknowledged that MOIA personnel in the past routinely beat and abused prisoners and detainees. Government officials cited a lack of proper training, poor supervision of investigators and guards, and a lack of equipment as contributing to the continuation of these practices in law enforcement facilities. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code would make it difficult for them to combat crime, amendments made to the code in 1999 and 2000 reinstated many of their powers (*see* Section 1.e.). These amendments stripped away detainees' right to file complaints about abuse with the courts rather than with the prosecutor's office.

Human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions continued during the year. Throughout the year, Human Rights Watch (HRW) reported that mistreatment and physical abuse of detainees was a major problem. However, some observers noted that when the Ministry of State Security (as opposed to the MOIA) managed an investigation, allegations of physical abuses were rare.

On January 29, police detained and severely beat Aleksander Lichelli in Gori. His attorney intervened with the Public Defender on February 4. A medical examination of Lichelli confirmed extensive scarring and wounds including the pulling out of four nails on his left hand. Lichelli was released only upon the intervention of the Public Defender's Office, which continued to investigate the case at year's end.

In May the Public Defender's police officers with the Mtatsminda-Krtsanisi police department in Tbilisi occasionally beat and systematically extorted money from 15-year-old D. Asaturov and his family while periodically detaining him during the past two years in Tbilisi #5 prison. Police started harassing the family when they attempted to extract bribes from the boy's parents in exchange for not registering a minor offense. On two occasions the officers penetrated the family's apartment, beating Asaturov and demanding more payments. On March 12, the police officers again burst into the Asaturovs' apartment, beat the minor, and assaulted his mother. A medical examination of Asaturov initiated by the Public Defender's Office documented a concussion to the brain, bruises to the ear, and loss of consciousness. The prosecutor's office started criminal proceedings against the two police officers for extortion.

The most serious incidents of abuse occurred during pretrial detention when suspects were interrogated by police. Human rights observers and lawyers noted that abuses occurred more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, and noted that a growing number of confessions were made in police stations. According to human rights observers, those who suffered such abuse were held routinely for lengthy periods in pretrial detention to give their injuries time to heal (*see* Section 1.e.). HRW reported that, in January and February, 44 detainees transferred into pretrial detention centers from police stations bore fresh injuries. During a Council of Justice meeting on July 8, the Minister of Justice Roland Giligashvili acknowledged that detainees were brought from preliminary detention cells to the penitentiaries of the Ministry of Justice with various types of injuries. During the year, the Ministry of Justice recommended 39 cases of beatings in preliminary detention to the Prosecutor General for investigation, but the Prosecutor General's office reportedly investigated only 4 cases by year's end.

Police often claimed that injuries were sustained during or before arrest. Police agents within the prison population also allegedly committed abuses in pretrial detention facilities.

To counter incidents of torture and abuse by police officials, the Public Defender's Office (also known as the Human Rights Ombudsman) instituted a rapid reaction group in January with the support of the OSCE. This pilot project had the mandate to provide immediate response to all claims of human rights violations during the most critical phase, the first 72 hours of a person's detention. In a May press conference, the Ombudsman reported that the Rapid Reaction Group had registered 97 cases of human rights violations since December 2001, of which all but 8 required immediate reaction.

The Rapid Reaction Group was instrumental in initiating the dismissal of three police officers of the Didube-Chughureti police station in Tbilisi. These officers had detained minor Vakhtang Mamuliani for theft at a photo store in January. According to a witness, police severely beat and threatened to rape Mamuliani during his detention. In addition, Mamuliani's transfer to the police station was not properly registered, limiting the ability of third parties to verify his arrest. The Rapid Reaction Group's work was noted in the U.N. Human Rights Committee's annual review, which criticized overall human rights practices and prisoner treatment in the country.

The cases of David Sturua and Dimitry Romanov—whom police reportedly tortured in 2000 and 2001 respectively—were closed during the year with no charges brought against the police.

In the past, security forces tortured defendants in politically sensitive cases, such as those involving members and supporters of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (*see* Section 1.e.). Local human rights observers alleged that abuses continued to occur in two pretrial detention facilities: Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Detainees suspected of serious crimes or whose cases had political overtones were incarcerated in Isolator Five, located in the basement of the MOIA. As a condition of membership in the Council of Europe, Isolator Five officially was closed in January 2000; how-

ever, domestic human rights organizations claimed the facility remained open and served the same function, only under a different name. According to local human rights observers, many detainees in Isolator Five reported beatings and abuse despite calls for investigators to show restraint. Often the threat of incarceration in this facility was sufficient to induce confession or extortion.

Unlike in previous years, there were no reports of security forces beating and raping prostitutes, although victims often did not report these incidents.

There were no reports of security forces beating members of religious minorities as in past years (*see* Section 2.c.).

On September 27, over 20 police officers allegedly entered a local television station and beat employees, destroyed equipment, and threatened a correspondent's family after an exposé on police involvement in smuggling gasoline to the separatist region of Abkhazia. Following an internal police investigation, the deputy police chief was dismissed (*see* Section 2.a.).

In June family members reported the unexplained detention of Tbilisi resident Giga Bitsadze by officers from the Didube-Chugureti police department in Tbilisi. Police officers beat Bitsadze to the point of hospitalization. A member of the Public Defender's Rapid Reaction Group intervened in the case. A criminal case was opened and in the prosecutor's office at year's end.

On July 31, a police officer shot and wounded a 12-year-old boy during a dispute with a vendor at an open-air market in Tbilisi. The officer intervened in the dispute. When the boy refused to accompany the officer to the police station, the officer shot him twice. The Inspector General's Office of the MOIA and the prosecutor's office was investigating the case at year's end.

Despite an overall culture of impunity, some policemen were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. In the first 8 months of the year, 209 cases against MOIA employees were sent to the Prosecutor General's office for investigation, which resulted in the opening of criminal cases against 31 persons. This represented a large increase from last year. Of these 31 persons, 4 MOIA employees were placed in pretrial detention. During the same time period, 82 MOIA employees were fired for disciplinary violations and 57 employees were demoted. In general officers were held accountable for abuses only in extreme cases and changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (*see* Section 1.e.). Many observers claimed that prosecutors frequently were reluctant to open a criminal case against the police or they closed a case for lack of evidence. Human rights NGOs also believed that many instances of abuses go unreported by victims due to fear of reprisals or lack of confidence in the system. In May the MOIA submitted draft Ethical Standards for the Georgian Police that entered into force during the year. Human rights groups welcomed the initiative, but noted that a culture of corruption could undermine officers' ability to observe the stipulations of the draft document.

The Ministry of Justice (MOJ) implemented a system to provide for medical examinations of prisoners transferred from police stations to pretrial detention facilities in order to document injuries that may have occurred while in police custody and to establish baseline medical condition information for each prisoner that could be used in cases where abuse in prison is alleged. Injuries consistent with abuse were documented and reported to the MOJ authorities, who in turn reported this to the MOIA for investigation.

Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, many claimants failed to follow through after filing, allegedly due to fear. The Committee noted that since the presidential election in 2000, claims shifted from requests for economic assistance to complaints about mistreatment and violations by the police and the prosecutor's office and the failure of the prosecutor's office to pursue criminal investigations of alleged violators.

Human rights observers expressed concern that corruption was related to the large number of police officers nationwide. According to the MOIA, there were 13,881 police officers in 2000; however, NGOs estimated there were closer to 35,000. The MOIA claims a figure of 29,500 officials, the number also cited by the Ministry of Finance, but insists that this includes various departments, such as fire and emergency units, which do not serve a policing function. The Government has not consistently paid the salaries of police officers; consequently police solicited bribes from the general population, particularly motorists, and also from suspects detained on suspicion of criminal activity (*see* Section 1.d.).

The MOJ was responsible for overall administration of the prison system; however, the law permits MOIA personnel to continue to staff the facilities. The MOIA maintained several of its own cells in various prisons. Other legislation permits the

MOIA to conduct investigations without judicial approval among inmates to gather evidence for trials. Observers noted little change in prison conditions; however, advocates noted an improvement in access for family members and telephone privileges since the transfer.

According to the U.N. and many NGOs, including HRW, prison conditions continued to be inhumane and life threatening. Prison facilities remained unsanitary, overcrowded, and understaffed and were in desperate need of repair. Most prison facilities lacked proper ventilation, plumbing, lighting, waste disposal, or sanitary medical facilities. Regional penitentiaries and pretrial detention facilities were without electricity for months. Guards and prison staff were not paid in a timely manner, if at all. According to human rights observers and government officials, the problem was exacerbated by the transfer of responsibility for prison administration to the MOJ before it was prepared to assume these responsibilities. Overcrowding remained a major problem; however, some facilities, such as in Zugdidi, were at only 50 percent capacity, while Tbilisi facilities sometimes had 16 or more persons to a cell typically designed for 10 to 12 persons. During the first 8 months of the year, 133 people were pardoned and 450 cases were under review by the pardoning commission. Abuse and extortion of prisoners and detainees by prison staff continued.

On April 9, the UNHRC, in its review of the country's compliance with the International Covenant on Civil and Political Rights, cited systemic problems with the criminal justice and prison systems and continued widespread use of torture and arbitrary detention by police. In issuing recommendations for improving the country's treatment of detainees and prisoners, the Committee requested the Government to report on progress in addressing its specific concerns within 12 months rather than waiting for its third periodic report scheduled for 2006.

In 2001 former Justice Minister Saakashvili attempted to address overcrowding in the country's prisons by accelerating the construction of a new prison facility in Rustavi near Tbilisi. The new facility, which opened in 2001, could hold 1,200 prisoners and had larger cells and modern conveniences. While the new prison should help to alleviate overcrowding, conditions in other facilities had not significantly improved. While Justice Minister, Saakashvili fired some corrupt administrators, released some inmates to reduce overcrowding, and took steps to create a prison inspection system that would include NGO participation; however, Saakashvili resigned in 2001 and was subsequently elected to Parliament. Since his resignation, some corrupt administrators have been rehired, access to prisons for the independent public oversight council of the MOJ sometimes has been limited, and the council's recommendations have been implemented only sporadically.

The prison mortality rate reportedly improved; however, human rights NGOs claimed that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they were dying. Observers claimed deaths of prisoners without families usually went unreported. During the year, there were 34 registered deaths in prison, a large proportion of which were attributed to tuberculosis. According to the ICRC, tuberculosis was widespread in the prison system; in cooperation with the MOJ, the ICRC has treated nearly 2,000 infected prisoners since 1998.

Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem. Some human rights groups claimed that rape by inmates or prison guards was common.

On August 29, Nugzar Mestopashvili, who earlier that day escaped from the Rustavi penitentiary, presented himself at the studios of television station Rustavi 2 in Tbilisi. In a live broadcast, he decried inhumane treatment at the Rustavi prison. Mestopashvili said supervisors and other prisoners systematically beat him to the point of forcing his escape. He threatened to commit suicide if he was returned to the Rustavi penal colony and expressed readiness to complete his remaining sentence at any other facility except the Rustavi prison.

Attempted suicides and self-mutilation occurred in prisons as protests against declined prison conditions or human rights violations. There were also sporadic hunger strikes by prisoners to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the Government.

The MOJ took steps to reform prison administration and conditions. In April the Minister of Justice Giligashvili dismissed 25 prison system employees for losing control of a situation that resulted in the April killing of two prisoners and the escape of another at the Avchala 9 and Rustavi 2 penal institutions in one month. The Minister acknowledged systemic problems in the penitentiary system, but said that many violations were the result of poor and incompetent management that could be avoided if prison officials did not attempt to hide transgressions by corrections offi-

cers or other prison managers. The Chair of the Parliamentary Committee for Human Rights Elene Tevdoradze also demanded employees at the Avchala penitentiary and the MOJ Department for Punishment involved in the deaths of two prisoners be brought to justice. In the string of incidents, Zurab Gogberashvili, a former policeman convicted of murder, was severely beaten in a mass brawl and killed with a self-made knife. Earlier the same month, another prisoner at the Avchala penitentiary died in an explosion of a self-made device. In November a prisoner was shot and killed by another inmate who had smuggled a pistol inside the prison.

In May a delegation of the Council of Europe advising a Co-ordinating Council for Penitentiary System Reform expressed satisfaction with some progress in the course of the reforms. The delegation concluded that the situation in the penitentiary system had substantially improved over the last year while acknowledging that serious problems remained. The Council of Europe delegation submitted recommendations to the MOJ focusing on psychological care for long-term prisoners and regular inspection of the penitentiary facilities.

Other reform steps included the May opening of a special section for juvenile offenders at the Avchala facility with a capacity of 110 spaces. The specially renovated facility includes classrooms, sports grounds, meeting rooms, and a medical section. Twenty-six juvenile offenders were transferred from the Khoni prison colony to the Avchala facility.

Men and women were held separately. Juveniles were usually separated from adults; however, at times they were held together in pretrial detention. Pretrial detainees were often kept with convicted prisoners due to overcrowding.

The ICRC had full access to detention facilities, including those in Abkhazia, and access included private meetings with detainees and regular visits. The OSCE reported bureaucratic delays but no serious problems in obtaining access to prisoners or detainees; however, local human rights groups reported increasing difficulty in visiting detainees, particularly in cases with political overtones.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arrest and detention; however, authorities frequently disregarded these provisions. The Constitution provides for a 9-month maximum period of pretrial detention, mandates court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (*see* Section 1.e.). These amendments generally were observed; however, prosecutors maintained undue influence over criminal procedures.

Judges issue warrants and detention orders, and by law, suspects must be charged within 3 days. Judges may extend pretrial detention by 3-month intervals up to 9 months. NGOs stated that the amendments to the old Soviet Code (maximum 18 months detention) made the pretrial detention period less arbitrary; however, international and domestic observers noted that such detention usually was longer—sometimes up to 2 years—because this protection routinely was interpreted to include only the prosecutor's investigative period, not the defense's investigative period. Police frequently detained persons without warrants. There was no bail system available to detainees. As of September, there were 7,343 persons in custody, of which 5,133 were convicted and 2,210 were in pretrial detention.

In 1999 Parliament approved a new Criminal Code and other legislation that contained constitutional protections and restricted the powers of the Prosecutor General (*see* Section 1.e.). Following enactment of the new Criminal Code, the Criminal Procedures Code was amended substantially. A number of amendments sought to harmonize the Criminal Procedures Code with the Criminal Code; however, several amendments significantly weakened protections against arbitrary arrest and detention. Specifically the changes imposed severe restrictions on a detainee's access to the courts in the pretrial period. Before these amendments were enacted, a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Prosecutor General's office during a criminal investigation and could request medical examination; however, under the amended provisions, a defendant could file a complaint of abuse only with the Prosecutor General's office. The Prosecutor General's decision could not be appealed to the courts. NGOs claimed that this regulation hindered their ability to substantiate police misconduct because of the close ties between the Prosecutor General's office and the police. A 2001 amendment to the criminal procedure code reinstated the right of a witness to be accompanied by a lawyer when being questioned by the police. The police could hold a witness for 12 hours without being charged. Police frequently charged witnesses as suspects at the end of this period. HRW reported in 2000 that police often called a detainee's lawyer as a witness, thereby denying him access to his client.

Detainees had difficulty obtaining objective medical examinations in a timely manner. If a medical examination is not conducted within 3 to 4 days of an incident, it is difficult to establish the cause of injuries. Only a state-employed forensic medical examiner, which in most cases was an employee of the Ministry of Health's Ju-

dicial Medical Expert Center, could testify about injuries. Human rights advocates routinely criticized the state forensic examiners as biased in favor of the Prosecutor General, and stated that permission for an independent forensic medical examination rarely was granted.

Police often failed to inform detainees of their rights and prevented them access to family members and lawyers. Some observers charged that police also conducted interrogations in apartments outside police stations to avoid registering detainees. While officially suspects were charged within 3 days of registration, observers claimed that police frequently delayed registering detainees for long periods in order to seek bribes; according to international and domestic observers, at times the police attempted to extort money from suspects in exchange for not registering an arrest. Police reportedly approached suspects' families and offered to drop charges in exchange for a bribe. Correct legal procedures were observed more often once a detainee was charged and registered formally.

In a move to address torture, amendments to the criminal procedure code granting witnesses the right to legal counsel were implemented during the year. However, this right was only occasionally observed in practice. It was common police practice to label detained suspects as 'witnesses' in order to deny them access to a lawyer.

The criminal procedure code calls for detainees to be charged within 72 hours. However, Ministry of Justice figures for 2001 showed that for the Tbilisi pretrial detention center, 493 detainees were registered in violation of the 72-hour deadline. The most serious incidents of police abuse occurred in the investigative phase of pretrial detention when police interrogated suspects (*see* Section 1.c.).

Authorities often held prisoners who were tortured and abused in police stations and pretrial detention for lengthy periods in order to give their injuries time to heal (*see* Sections 1.c. and 1.e.).

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary often did not exercise full independence, and judicial impartiality was limited. While 1999 judicial reforms resulted in the appointment of some better qualified judges, observers agreed that judicial authorities continued to experience pressure from the executive branch and powerful outside interests. Several observers have questioned the sustainability of a reformed judiciary without reform of law enforcement institutions. Human rights organizations, including HRW, alleged that investigators sometimes planted or fabricated evidence and extorted confessions in direct violation of the Constitution. Judges were reluctant to exclude evidence obtained illegally if the Prosecutor General objected. Courts continued to convict on the strength of confessions that may have been extracted under torture. The state continued to prevent defendants from obtaining and presenting forensic evidence of torture to the courts through procedural restrictions and by not licensing nongovernment forensic doctors.

Other results of the judicial reform effort were inconclusive. Judicial incompetence and corruption, including the payment of bribes to judges, still were problems. Although there were reports by several trial attorneys and local NGOs in Tbilisi that some cases were being handled in a more expeditious manner since reforms, progress outside of Tbilisi was not as marked. Observers commented that although judges were better educated, they were hindered by lack of practical experience. Human rights organizations pointed to judges' limited experience in case law as a contributing factor. Due to the Government's fiscal crisis, at times judges' salaries went unpaid up to 6 months, creating an incentive for corruption. Pressure from family and political and economic interest groups was extensive, and bribery was common.

The law establishes a three-tier court system. At the lowest level are district courts, which heard routine criminal and civil cases. At the next level are regional (city) courts of appeal, which served as appellate courts for district courts. The regional courts also tried major criminal and civil cases, reviewed cases, and either confirmed verdicts or returned cases to the lower courts for retrial. The Supreme Court acted as a higher appellate court but was the court of first instance for capital crimes and appeals from the Central Election Commission (CEC). The courts followed a judicial code of ethics; however, some observers alleged that the Supreme Court's decisions were subject to political and other undue influences. In 2001 the Supreme Court implemented a system of regional managing judges to monitor the performance of lower courts throughout the country.

A separate Constitutional Court arbitrated constitutional disputes between branches of government and rules on individual claims of human rights violations. The Court has interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law.

The Court only considered one case at a time. The Court's rulings demonstrated judicial independence.

The Council of Justice administered the court system. The Council had 12 members, 4 selected from within each branch of government. To reduce incompetence and corruption, the law has established a three-part testing procedure for working and prospective judges administered by the Council. All judges except for three recognized legal scholars were required to take the exams, which were given twice annually. In December 36 out of 171 examinees passed the two rounds of the examination.

At the district level—particularly in extremely rural or mountainous regions—it was difficult to find candidates who had passed the exam and who were willing to fill judge positions. Supreme Court judges were required to take the examination. In 2000 the President nominated and the Parliament ratified the appointment of 12 new Supreme Court Justices, 10 of whom passed the judicial exams, and 2 of whom were appointed pursuant to Article 20 of the law on the Supreme Court, which provides that distinguished legal specialists may be appointed.

In July the General Directorate of the Council of Europe supported the Supreme Court in hosting a seminar on the practical use of the European Human Rights Convention in the judicial system. The seminar was for regional and district judicial staff and covered the protection of rights and limitations of human rights, the role of courts in the implementation of the Human Rights Convention, Article 8 of the Convention, and related court procedures.

In July the OSCE hosted the second of three training seminars on international human rights law and relevant monitoring techniques for participants from eight cities. Among them were representatives of 21 domestic NGOs and 4 representatives of state structures, including Public Defenders.

Aside from the judicial system, law enforcement as a whole had not undergone significant reform. During the year, reforms took place that included additional training and testing for prosecutor's office personnel and periodic internal reviews. Payment of bribes to police and prosecutor's office officials reportedly was common (*see* Section). The Prosecutor General's office is identified as part of the judicial system in the Constitution, and there were calls from legislators and others to move the Prosecutor General's office into the executive branch.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. Officers must inform detainees of their rights and notify their families of their location as soon as possible. However, these rights were not observed fully in practice. Authorities frequently did not permit detainees to notify their families of their location in violation of the 2001 amendments to the criminal procedure code that specifically provide that if a witness so requests his lawyer can attend his questioning, who may in turn notify family members. However, local police authorities limited lawyers' access to detainees. Defense attorneys and family members often had difficulty obtaining permission to visit clients. Investigators seldom informed individuals of their rights. Lengthy trial delays were common. Defense counsel was not required to be present at pretrial hearings, and defendants and their attorneys regularly complained that they were not notified of scheduled hearings. Under the Criminal Procedures Code, the police are not obliged to allow a lawyer to enter a police station unless hired by a detainee. In 2001 the Parliamentary Committee on Human Rights and National Minorities created a card listing a citizen's rights in case of arrest. The committee has distributed approximately 30,000 printed cards to students, NGOs, and visitors to the committee. However, since 2001 no cards have been printed due to lack of funding.

The 1999 Criminal Procedure Code significantly weakened many constitutional protections designed to circumscribe the powers of the Prosecutor General, increase the rights of defense attorneys, and enhance the independence of the judiciary. Prosecutors continued to direct investigations, supervise some judicial functions, and represent the state in trials. They also continued to wield disproportionate influence over judicial decisions. The Criminal Procedure Code prohibits the same judge who signed a warrant from hearing the case; however, this rule frequently was disregarded outside of Tbilisi since few regions had more than one judge.

In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the prosecutor's office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured or coerced by procurators to accept a state-appointed attorney or other attorneys who did not vigorously defend their interests. However, in general individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. The prosecutor's office not only had

control over state-appointed lawyers; it also determined whether to grant a defendant's request to change lawyers. However, several NGOs provided free legal services for those whose human rights were violated in Tbilisi. The quality of attorneys varied significantly. In addition, the licensing of forensic medical examiners did not ensure competence.

There was disagreement among NGOs over who should be counted as a political prisoner; most international and local human rights organizations estimated that there were 20 to 25 political prisoners in the country. The Parliamentary Human Rights Committee considered there to be only 3 to 5 political prisoners, while the Ombudsman claimed that there were no official political prisoners in the country; however, many individuals, including members of the former paramilitary Mkhedrioni, so-called Zviadists (followers of the deceased former president Gamsakhurdia), and some former state security personnel considered themselves political prisoners. According to human rights observers, some Zviadist prisoners never took up arms and should be considered political prisoners. Some Zviadists were convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons and were serving sentences of from 7 to 12 years.

In 2000 Parliament passed a resolution on national reconciliation directing the Prosecutor General to review the cases of those convicted in connection with the civil war. President Shevardnadze subsequently pardoned or reduced the sentences of several hundred prisoners convicted of crimes committed during the civil war. Approximately 95 percent of imprisoned Zviadists were released.

In July President Shevardnadze pardoned three persons convicted for the 1995 assassination attempt on appeals by Rusudan Beridze, Deputy Secretary of the National Security Council. They included Temur Khachishvili, former Deputy State Security Minister, Giga Gelashvili, and Guram Papukashvili, former commander of a special security services unit. In April President Shevardnadze also pardoned former Finance Minister Guram Absandze, who had been associated with the 1998 assassination attempt.

In September two well-known Zviadists (Petre Gelbakhiani and Irakli Dokvadze), charged with a terrorist attack against Mkhedrioni leader Jaba Ioseliani in 1992, were released from prison. However, their court release occurred as a result of having served two-thirds of their sentence and was not considered a presidential pardon.

Although President Shevardnadze pardoned and the Supreme Court ordered the release of Tengiz Asanidze, who was accused of abduction and financial crimes, authorities in the autonomous region of Ajara refused to release him. Both Amnesty International the Council of Europe's Commissioner for Human Rights called for Asanidze's release. At year's end, he was awaiting the terms of the examination of his suit filed with the European Court of Human Rights in Strasbourg, and his case remained pending.

The Government permitted international human rights and domestic organizations to visit political prisoners, and some organizations did so during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions without court approval or legal necessity; however, in practice law enforcement agencies and other government bodies occasionally monitored private telephone conversations without obtaining court orders. The Government stated that security police and tax authorities entered homes and workplaces without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Traffic Police often stopped and searched vehicles without probable cause in order to extort bribes (*see* Section 1.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect, and CIS and joint peacekeeping forces, respectively, were present in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with approximately 270,000 IDPs from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya posed a continued threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians were expelled from or fled the region. A Russian peacekeeping force also has been in South Ossetia since 1992 as part of a joint peacekeeping force with Ossetians and Georgians. The Government had no effective control over Abkhazia or South Ossetia during the year.

There was limited information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. The UNHRC Office in Abkhazia reported a modest improvement in the human rights situation. However, systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a cli-

mate of impunity. Limited access to qualified legal counsel aggravated the situation. The Parliament Human Rights Office remained concerned at the length of pretrial detentions and violations of due process in individual cases. In July an independent legal aid office in the Gali district of Abkhazia began to provide legal advice to the population free of charge.

In September the Ministry of Education of the separatist government of Abkhazia announced a ruling prohibiting instruction in Georgian in schools in Abkhaz-controlled territory, including in the district of Gali inhabited by returned IDPs. This decision contradicted previous agreements by the Coordinating Council working group on Social and Economic Issues chaired by the Special Representative of the Secretary General to the country. The Public Defender's Office (Ombudsman) expressed indignation with the decision based on international legislative norms and the U.N. conventions on discrimination in the field of education.

On July 15, the non-recognized government of South Ossetia established a Human Rights Commission consisting of lawyers and representatives of civil society and NGOs. The South Ossetian Human Rights Commission planned to work in close collaboration with the Commission for Human Rights in the Autonomous Republic of North Ossetia in the Russian Federation and the representative of the President of the Russian Federation for Human Rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, although the independent press was generally free, there were several instances of intimidation of journalists. According to journalists and NGOs, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions, and violence. Nevertheless, during the year journalists were able to publish wide-ranging and extremely critical views of officials and their conduct; however, some journalists practiced self-censorship.

The Administrative Code contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists employed it. The adoption of a freedom of information act and judicial enforcement of this law made agencies more willing to provide information. However, the Government often failed to register freedom of information act requests, as required by the administrative code. Although the law states that a public agency shall release public information immediately, or no later than 10 days, the release of requested information could be delayed indefinitely. A requesting party had no grounds for appeal.

There were approximately 200 independent newspapers in circulation. The press frequently criticized senior government officials; however, few newspapers were editorially independent and commercially viable. Typically newspapers were subsidized by and subject to the influence of their patrons in politics and business. The Government financed and controlled one newspaper which was published in Russian-, Azeri-, and Armenian-language versions; the newspaper reflected official viewpoints. The highest-circulation independent daily newspaper, *Alia*, had a national circulation nearly 20 percent higher than the Government-controlled daily; however, independent newspapers continued to struggle in the regions, due largely to the population's poverty. High printing costs, a lack of advertising, and general poverty limited the circulation of many newspapers. Several newspapers were reputable sources of information, although lack of financial resources hindered overall journalistic development and standards. State tax authorities continued to harass independent newspapers.

Most persons received their news from television and radio. The Government financed and controlled the main radio and television network with a national audience; network broadcasts reflected official viewpoints. *Rustavi-2*, a member of the independent television network TNG, was considered the only station other than the state-run channel with a national audience. In late 2001, members of the State Security Ministry raided TNG's headquarters demanding financial information, even though the tax department had completed an audit a few weeks earlier. The head of *Rustavi-2* refused to release the information and broadcast the events live. The broadcast led to protests in front of the Parliament and to President Shevardnadze's dismissal of all Ministers. Prior to the incident, *Rustavi-2* broadcast three detailed investigations into alleged MOIA and Office of the Prosecutor General corruption that involved high police officials attempting extortion and planting evidence in a narcotics case.

In addition to *Rustavi-2*, there were seven independent television stations in Tbilisi. An international NGO estimated that there were more than 45 regional television stations, 17 of which offered daily news. While these stations ostensibly were

independent, a lack of advertising revenue often forced them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, had relatively independent media. Rustavi-2 had a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. State tax authorities continued to harass independent television stations. Stations desiring benefits and better working relations with authorities practiced self-censorship.

Channel 25 was the only independent television station broadcasting in the autonomous region of Ajara. A lawsuit brought by the four owners of Channel 25 against Mikhail Gagoshidze, chairman of Ajaran Television and Radio, remained in the appeal process at year's end.

On September 27, more than 20 police officers allegedly entered the local Zugdidi television station and beat employees and destroyed equipment. The station provided information and footage in support of a Georgian "60 Minutes" exposé on police involvement in smuggling gasoline to the neighboring separatist region of Abkhazia. The "60 Minutes" Zugdidi correspondent's family was also threatened. Following an internal police investigation, the deputy police chief was dismissed (*see* Section 1.c.).

On January 20 and May 7, the private television station Stereo One was the object of threats. On both occasions the station's offices were attacked by the Orthodox Christian radical group led by excommunicated Orthodox priest Father Basil Mkalavishvili for broadcasting a foreign evangelical program (*see* Section 2.c.).

Libel laws inhibited investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused.

Journalists stated that they were vulnerable to pressure from authorities, as well as from business and societal elements.

On May 28, Parliamentarian Vitali Khazaradze threatened to discredit Ia Bobokhidze and Maia Metskhvariashvili of the Tbilisi edition of *Ahali Taoba* by publishing a pornographic photomontage of the female journalists. An article by Metskhvariashvili associated Khazaradze with a notorious criminal and accused Khazaradze of inappropriate lobbying efforts for a municipal council in Kutaisi. Khazaradze further demanded an apology by the editor-in-chief of *Akhali Taoba* and threatened that otherwise the newspaper would be closed and that journalists would be beaten.

In 2001 a suspect was arrested in the killing that year of independent TV journalist Giorgi Sanaia and was awaiting trial at year's end. During the year, the investigation into the 2000 death of Italian reporter Antonio Russo was temporarily suspended due to lack of a suspect.

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, particularly in the regions, understood the legal protections afforded journalists; and few journalists had the resources to hire a lawyer. Some enlisted the assistance of the NGO community.

The Government did not limit access to the Internet; however, poor infrastructure and poverty limited access outside of the major cities.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly without permission from the authorities; however, both the national government and local authorities restricted this right in practice. The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Members of the NGO community argued that the law violated the Constitution and sought to have it overturned by the Constitutional Court. However, the Court has refused to hear the case, on the grounds that a test case must be brought before it to consider the challenge and an individual must prove there was personal injury from the law. Most permits for assemblies were granted without arbitrary restriction or discrimination; however, this was not uniformly the case for Zviadists (supporters of former President Gamsakhurdia). Extreme Zviadists never accepted any successor to the Gamsakhurdia government as legitimate and regularly held demonstrations in front of parliament demanding that the present government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity that they generated for themselves and against the Government.

Private meetings and public gatherings of religious minority groups were repeatedly broken up, often with extreme violence, by Orthodox extremists with the tacit approval or active cooperation of law enforcement authorities (*see* Section 2.c.). The Government did not take effective action against the perpetrators of such attacks.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration

of associations without arbitrary restriction or discrimination; however, two organizations affiliated with Jehovah's Witnesses were unable to register on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, local authorities sometimes restricted the rights of members of nontraditional religious minority groups. At times local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, Evangelicals, Pentecostals, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history but stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox Church. The Georgian Orthodox Church lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. On October 22, Parliament ratified a constitutional agreement (Concordat) signed by the President and the Georgian Orthodox Patriarch, that further defined church-state relations. The Concordat states that, with the consent of the Church, the Government could issue permits or licenses for the use of official symbols and terminology of the Church, as well as for the production, import, and distribution of worship articles. This provoked widespread concern among minority religious groups.

In November the Constitutional Court refused to admit a petition by the True Orthodox Church (a schismatic Orthodox church) that the Concordat violated the constitutional protections of freedom of religion, on the grounds that there was no evidence of discrimination. In December the True Orthodox Church was refused permission by the Kutaisi City Council to build a church on the grounds that the building was not sanctioned by the Georgian Orthodox Church, as required by the Concordat.

Some nationalist politicians continued to use the issue of the supremacy of the Georgian Orthodox Church in their platforms and criticized some Protestant groups, especially evangelical groups, as subversive. Jehovah's Witnesses in particular were the targets of attacks from such politicians.

There were no laws regarding the registration of religious organizations; however, a draft bill that would provide for registration of all religious groups in the country was proposed to Parliament in November. The Government viewed the proposed Law on Religion as a crucial step towards reducing religious intolerance and violence. The Ministry of Justice prepared the bill, but it had not been submitted to Parliament for a vote by year's end. Human rights NGOs criticized the proposed law as restrictive and indirectly unfavorable to nontraditional religious groups. Followers of religious extremist Father Basil Mkalavishvili (Basilists) in turn criticized the draft law, claiming it would effectively legalize what they termed criminal sects, i.e. nontraditional religious groups. Under the proposed law, religious groups that perform humanitarian services may be registered as charitable organizations, although religious and other organizations may perform humanitarian services without registration. Organizations that were not registered could not conduct religious services, rent office space or import literature, among other activities. Members of unregistered organizations could engage in these activities as individuals but were exposed to personal legal liability in such cases.

In 2001 a Supreme Court ruling upheld a 2000 Appeals Court ruling revoking the Jehovah's Witnesses legal registration. The Court issued a statement clarifying that the judgement did not ban the organization but had simply revoked its legal status. However, many local law enforcement officials interpreted the ruling as a ban and thus used it as a justification not to protect Jehovah's Witnesses from attacks by religious extremists.

On December 6, MOIA officials at Ponichela impounded a truck carrying religious literature of the Watch Tower Bible and Tract Society that had cleared Georgian customs and legally entered the country. Supporters of Father Mkalavishvili (Basilists) subsequently surrounded the truck, beat the driver, and seized the shipping documents. MOIA officials released the truck on December 12.

The Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed during the Soviet period, many of which Soviet authorities gave to the Georgian Orthodox Church. A prominent Armenian church in Tbilisi remained closed, and the Armenian Apostolic Church, the Catholic Church, and Protestant denominations had difficulty obtaining permission to construct new churches as a result of pressure from the Georgian Orthodox Church. During the year, the Catholic Church faced difficulties in attempting to build churches in the towns of Kutaisi and Akhaltsikhe. On April 5, the Catholic Union

of Western Georgia filed suit in a Tbilisi court against the Patriarchate for return of the Annunciation Cathedral in Kutaisi.

The Jewish community also experienced delays in the return of property confiscated during Soviet rule. In 1997 a court ordered that a former synagogue—rented from the Government by a theater group—be returned to the Jewish community. In 1998 the theater group brought suit, claiming that the building was never a synagogue. The Supreme Court ruled in 2001 that the central hall of the synagogue should be returned to the Jewish community, but that the theater groups should retain part of the building. By year's end, the theater group had not yet vacated the central hall.

Regular and reliable information about separatist-controlled Abkhazia was difficult to obtain. An Abkhaz presidential decree bans Jehovah's Witnesses. A number of members of Jehovah's Witnesses have been detained in the last few years; however, according to a representative of Jehovah's Witnesses, none were in detention at year's end.

At times local police and security officials harassed nontraditional religious minority groups, particularly members of Jehovah's Witnesses. There were a number of cases in which police not only failed to intervene to protect such minorities from attacks by Orthodox extremists but also participated in or facilitated the attacks.

The MOIA (including the police) and Prosecutor General's office generally failed to pursue criminal cases against Orthodox extremists for their attacks against religious minorities. On the few occasions in which there were investigations into such attacks, they proceeded very slowly. In 2000 the Government initiated a criminal case against Father Basili Mkalavishvili, whose followers engaged in a number of violent attacks on nontraditional religious minorities; however, the investigation has proceeded very slowly. While the criminal case prevented Mkalavishvili from making personal appearances at most attacks during the year, his followers continued their violence in his absence.

In November Basilists physically expelled a foreign radio correspondent from the courtroom with the acquiescence of MOIA security forces. The Basilists also threatened plaintiffs and brought weapons into the courtroom. In December the plaintiffs moved to have the judge removed due to his inability to control the proceedings.

In 2001 Parliament passed a resolution condemning religious violence. Shortly thereafter the Procurator questioned Father Mkalavishvili and released him on his own recognizance with the understanding that he was not to leave Tbilisi. However, after a brief period of relative calm, attacks by Mkalavishvili and others resumed. Mkalavishvili's followers and another extremist group Jvari (the Cross) continued to act with impunity.

During its review of the country, the UNHRC expressed deep concern about a rising intolerance and escalating attacks against religious minorities in the country, facilitated by government inaction. That same day, the Council of Europe released a report that strongly criticized authorities' disregard of religious and racial violence and harassment in the country. President Shevardnadze announced government measures to improve the human rights situation including the protection of religious minorities that included establishing a coordination group within the MOIA. During the year, the MOIA published a Directive from the Minister of Combating Religious Violence, which ordered MOIA forces to react decisively to acts of religious violence and investigate all instances of it.

Despite a general tolerance toward minority religious groups traditional to the country—including Catholics, Armenian Apostolic Christians, Jews, and Muslims—citizens remained very apprehensive about Protestants and other nontraditional religions, which were seen as taking advantage of the populace's economic hardships by gaining membership through the distribution of economic assistance to converts. Some members of the Georgian Orthodox Church and the public viewed non-Orthodox religious groups, particularly nontraditional groups or so-called sects, as a threat to the national Church and Georgian cultural values and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign and local members of nontraditional religious groups continued to report harassment by extremist Orthodox groups, police, and other authorities (*see* Section 2.c.).

Followers of excommunicated Orthodox priest Basili Mkalavishvili (Basilists) engaged in a number of violent attacks on nontraditional religious minorities, including Baptists, Seventh-day Adventists, and particularly members of Jehovah's Witnesses. During the attacks, Basilists burned religious literature, broke up religious gatherings, and beat parishioners, in some cases with nail-studded sticks and clubs. As during other attacks, Mkalavishvili held an impromptu press conference with the violence in the background. Representative cases included the following incidents:

On January 25, a group of Basilists including Basili Mkalavishvili surrounded the building housing the television channel Stereo One. The Basilists had been threatening Tbilisi-based Stereo One since early 2001 for broadcasting an evangelical religious program. Two Basilists broke into the building and were arrested. However, approximately 100 Basilists quickly gathered outside the police station and demanded their release. The police complied with the demand. When Stereo One resumed broadcast of the religious program on May 7, Mkalavishvili and four followers again tried to break into the station's offices, physically assaulting one staff member. Police intervened after being alerted by a local human rights NGO.

On August 15, in Otarsheni approximately 50 persons wielding truncheons arrived in front of a Jehovah's Witnesses meeting hall to break up a religious meeting. However, members of the congregation had been warned there might be violence and the meeting was canceled. Undeterred, the mob entered the building, smashing windows and furniture and beating a caretaker. Stacks of literature and benches were dragged into the street and set on fire. Eyewitnesses recognized at least two of the attackers as Basilists. Witnesses also reported seeing a police car drive by the scene of the incident. Police opened an investigation, but no arrests had been made at year's end.

On August 16, in Kaspi, in a near-identical attack, approximately two dozen men, wearing crosses of the Georgian Orthodox church, arrived on buses and ransacked the home of Ushangi Bunturi who was planning to host a Jehovah's Witness meeting in the field next to his residence. Due to its similarity to the August 15 incident, observers believed Basilists carried out the attack. The attackers burned Bibles, religious pamphlets, and Bunturi's belongings in the yard and filled the baptismal pool with diesel fuel. Local law enforcement officials reportedly approached Bunturi several times, asking him to refuse to host the Jehovah's Witness congress because they could not guarantee security. The authorities forced Bunturi to sign a letter taking full responsibility for the event, but he added a footnote saying he had been forced to sign the letter. Approximately 1,000 Jehovah's Witnesses had been expected to gather at Bunturi's house, where they held congresses since 1996. According to witnesses, the local police chief was present, although it was not clear whether the police joined the attack or simply observed it. No one was arrested.

On November 18, approximately 25 Basilists surrounded a foreign radio correspondent who was covering the trial of Mkalavishvili and threatened to "break his head" with iron bars if he did not leave the courtroom. Several Basilists attempted to strike the reporter but were restrained by fellow members. They grabbed the reporter and physically pushed him out of the courtroom.

Although law enforcement authorities were present at some attacks, they failed in most instances to intervene, leading to a widespread belief in police complicity in the activities of the Basilists.

In 2001 police and followers of Mkalavishvili prevented members of Jehovah's Witnesses from holding a convention in Marneuli by stopping buses, physically attacking followers, and burning and looting the convention site. Members of Jehovah's Witnesses alleged that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the Basilists. An investigation continued at year's end. On May 13, the Marneuli district court acquitted police officers of wrongdoing during an attack by Basilists on a September 2000 Congress of the Jehovah's Witnesses in Marneuli.

On occasion members of Jvari, another Orthodox extremist group, joined Mkalavishvili's supporters in their activities. For example, 14 members of Jvari attacked a meeting of Jehovah's Witnesses in Rustavi in 2001. According to an eyewitness, Jvari leader Paata Blashvili personally assaulted one of the victims. The extremists apparently used sawed off shotguns and other firearms when they ransacked the Jehovah's Witnesses convention site. Two days earlier, members of Jvari participated in attacks by religious extremists in which dozens were injured. Jehovah's Witnesses had received permission to hold the convention from the local government and local authorities were at the convention site; however, they did not intervene to stop the attacks.

The Patriarchite of the Georgian Orthodox Church has strongly criticized the attacks perpetrated by Orthodox extremists against nontraditional religious minorities and has distanced itself from Basil Mkalavishvili. However, the Church did not speak with one voice on the subject. On February 10, a senior bishop in Rustavi stated on a leading television newscast that all 'sectarians' (including nontraditional religious minorities such as the Jehovah's Witnesses) in the country should be killed. The Patriarchite later released a press statement saying the bishop's comments were quoted out of context. In June Bishop Levan Pirtskhalaishvili, secretary to Patriarch Ilya II, wrote to the owner of a Tbilisi stadium warning him not to rent

the venue to the Jehovah's Witnesses for a meeting due to negative public reaction; the event was subsequently cancelled.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and the law generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's residence was not required nor were internal passports. Soviet passports bearing a propiska (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards were expensive to purchase and difficult to obtain, especially in poor and remote areas.

Approximately 275,000 so-called Akhiskha or Meskhetian Turks were relocated from southern Georgia to Central Asia by the Soviet Union in the 1940s. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union collapsed, and a number remained stateless in Russia. A 1999 presidential decree established the State Commission on Repatriation and Rehabilitation of the Population Deported from Southern Georgia, and the Government undertook to begin the repatriation process within three years. However, there has been no legislation to allow for repatriation of Meskhetian Turks to Georgia, and there was some official and public opposition to their repatriation. There were 643 Meskhetians living in the country, most of whom had citizenship.

The 1994 agreement between Russia, Georgia, Abkhazia, and the UNHCR on repatriation in Abkhazia called for the free, safe, and dignified return of internally displaced persons (IDPs) and refugees. The Abkhaz separatist regime prevented such repatriation and unilaterally abrogated the agreement. In January 1999, the Abkhaz separatist regime unilaterally invited IDPs to return to Gali starting in March 1999 but did not adequately ensure their safety. The move did not affect significantly the return to Gali of IDPs, who continued to travel back and forth to the area to tend their property. As many as 40,000 persons were estimated to be living in Gali on a more or less permanent basis, depending on the security situation.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDPs and refugees. In 1997 the UNHCR began a program to return IDPs and refugees; however, both sides created obstacles that slowed the return. During the year, the South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although some families returned. Meanwhile, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other regions of the country. The Government publicly has recognized the right of Ossetian refugees to return to their homes in the country but has taken little facilitative action. Opposition by government authorities to the return of illegally occupied homes has prevented the return of Ossetian refugees to Georgia proper.

Government stipends to IDPs of approximately \$7 (14 GEL) per person per month were paid inconsistently. The Government subsidized 50 kilowatts per hour of electricity per month for each IDP. Stipends were paid more frequently in Tbilisi than elsewhere in the country. IDPs also were not afforded the right to vote in local elections (see Section 3).

The law did not provide for the granting of refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government did not provide first asylum. According to the UNHCR, the Government processed no asylum cases during the year. The Ministry for Refugees and Accommodation (MRA) was responsible for the screening and registration of refugees and new arrivals. Since the outbreak of hostilities in Chechnya, the Government has admitted what was estimated to be 4,000 to 5,000 refugees from the conflict. Chechen refugees settled in the Pankisi Valley in the eastern part of the country. Both local and international NGOs provided sporadic assistance to refugees living in the Pankisi Valley; however, after the kidnaping in 2000 of three ICRC staff members, international humanitarian organizations had only periodic access to the Pankisi Valley.

In April the Ministry of Refugee Affairs reregistered Chechen refugees with the assistance of the UNHCR. At the end of the year, approximately 4,000 Chechen refugees were living in the Pankisi Valley and 400 in Tbilisi. The significant reduction in the number of refugees was due to the successful screening out of the local Kist (ethnic Chechen citizens), as well as departures of refugees for Azerbaijan and other countries. The majority of the Chechen refugees lived with the local Kist population; only 15 percent were sheltered in communal centers.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully, and citizens exercised this right through regular elections; however, the June local and municipal elections, the 2000 presidential elections, and the 1999 parliamentary elections were marred by numerous serious irregularities, and the Government limited this right in practice. An elected president and parliament governed most of the country.

On June 2, local and municipal elections that had originally been scheduled for 2001—and had been postponed by the CEC due to financial and technical reasons—were held. The elections were marked by poor preparation to meet basic conditions and irregularities, which limited the rights of citizens to change their government. In Rustavi elections were cancelled because an unidentified group of persons attacked the CEC's vehicle and hijacked the ballots. A person suspected of hijacking the Rustavi ballots was arrested on July 4; the investigation was pending at year's end. In Zugdidi ballot boxes were stolen by unidentified armed groups. In Khashuri and Akhalkalaki, the elections were cancelled because the CEC failed to provide ballots in time. Voting started hours later than originally planned in many locations. Make-up elections in those cities were scheduled a week later. There were many other violations in almost every voting district; armed police officers were observed at polling stations and there were reports of multiple voting by persons in different districts. In Tbilisi the state of voter registration lists was so poor that there were instances where several hundreds of citizens, often residents of the same block of apartment buildings, could not vote.

Shortly after the elections, Parliament formed a commission to investigate reports of irregularities. The commission published findings and recommended reforms in the CEC and in the administrative process. After protests by political parties, the CEC agreed on November 1 to a recount of votes in the Tbilisi local elections. The recount did not change the number of seats won by each party, but left the Socialist Party below the four-percent threshold for representation. On November 4, National Movement leader Mikhail Saakashvili was elected Chairman of the Sakrebulo (city council). The Socialist Party charged that Saakashvili's election was fraudulent, and challenged the election of several members of Parliament who were serving simultaneously in Parliament and the Sakrebulo. The Socialists asserted that the Constitution prohibits a deputy from also serving in the city council and demanded that the MOIA investigate the vote. The district court rejected the Socialists' suit.

International and local observers criticized the Government's poor preparation of the elections in a rush to test popular support for the various political parties before the next elections. While observers did not report massive or organized fraud, they criticized the election due to overall poor organization.

In the 2000 presidential elections only two candidates campaigned actively: the incumbent, Eduard Shevardnadze; and Jumber Patiashvili of the Revival of Georgia Party. The CEC reported that Shevardnadze won with over 78 percent of the vote to Patiashvili's 16 percent, in contrast to observer estimates of 50 to 70 percent of the vote for Shevardnadze and 30 percent for Patiashvili. International observers strongly criticized the election; the OSCE noted serious irregularities, including ballot stuffing, group voting, groups of identical signatures on voter's lists, media bias, and lack of transparency in counting and tabulation. Some observers noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated during the counting process and that, in general, procedural safeguards were not implemented. The CEC annulled the election results of six polling stations. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. Police disrupted a number of opposition rallies, and bureaucratic obstacles were erected to prevent their organization (*see* Section 2.b.). Parliament adopted extensive amendments to the electoral laws less than 3 weeks before the presidential election, causing confusion in the election administration. In addition, there was inadequate time to implement some of the election law amendments properly. The OSCE also raised concerns about the transparency of the candidate registration process and ballot distribution.

Parliamentary elections were held in late 1999. The Citizens' Union of Georgia, chaired by President Shevardnadze, won an outright majority. International observers judged the conduct of the elections throughout the country to be a step towards compliance with OSCE commitments. However, they noted a number of irregularities including restrictions on freedom of movement. A second round was held, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. There was no voting in the separatist regions of Abkhazia or South Ossetia, which were outside government control.

In August 2001, Parliament passed a new law on local self-government, and in response the CEC postponed until local elections that had been scheduled for November 2001. The CEC cited inadequate financing and claimed that the legislation required a number of technical amendments that could not be implemented by the original election date. Most political parties did not object to the postponement. In 2001 by-elections were held in Vake and Bagdadi districts. The Vake elections were marred by two incidents of ballot box theft; however, the elections showed improvement over previous elections.

There were 16 women in the 235-seat Parliament. A woman was the speaker of Parliament and several women held important committee chairmanships. Two women held ministerial posts.

There were 16 members of minority groups (7 Azeris, 6 Armenians, 2 Abkhaz, and 1 Greek) in the 235-seat Parliament.

Elections were held periodically by the separatist governments of Abkhazia and South Ossetia, which were outside government control. International observers determined that these elections were illegitimate. International organizations, including the U.N. and the OSCE, declared presidential elections held in Abkhazia in 1999 to be illegal. Government authorities also called the election illegitimate, as they had the Abkhaz local elections of 1998, on the basis that a majority of the population had been expelled from the region. In 2001 Parliament stated that any further polls held before a settlement to the conflict was reached and displaced persons were returned to their homes would be considered illegal. In 2001 the unrecognized separatist government held presidential elections in South Ossetia, resulting in the defeat of the incumbent and a peaceful transfer of power.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, some local human rights NGOs reported that government officials were slightly less responsive during the year than in the past.

There were a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups were extensions of partisan political groups and these had little influence. NGOs were permitted to bring suits to courts of the first instance on behalf of persons whose rights were abused.

On July 10, there was a physical assault on the Tbilisi headquarters of the Liberty Institute, the leading human rights organization in the country. Approximately one dozen well-organized men entered the offices of the Liberty Institute and proceeded to beat the director and other staff. They also smashed computers, furniture, and other equipment. The attack left Liberty Institute Director Levan Ramishvili hospitalized with multiple contusions, eye injuries, and speech problems. Five other staff members were beaten. Several other staff and visitors, including a British government member of a Council of Europe fact-finding delegation, escaped the attack by barricading themselves behind a door. The July 10 attack followed a demonstration days earlier outside the Liberty Institute by supporters of Guram Sharadze, a member of Parliament. In a previous television debate, Ramishvili had accused Sharadze of publicly inspiring ethnic and religious intolerance. On July 25, a Tbilisi District Court released Giorgi Doijashvili, a member of the radical Orthodox group Jvari, suspected of carrying out the Liberty Institute attack. Doijashvili originally acknowledged his role in the attack but has since retracted his statement. Members of Jvari participated in numerous attacks on non-traditional religious groups in the past. The verdict of the court was hailed by the followers of defrocked Orthodox priest Basil Mkalavishvili who accused the Liberty Institute of protecting nontraditional religious groups such as the Jehovah's Witnesses (*see* Section 2.c.). The case remained under investigation at year's end.

During the year, legislation was adopted allowing the Ministry of Finance to access the funding records of international NGOs, alarming some in the NGO community. In August the International Federation of the Red Cross and Red Crescent Societies stopped financing all projects and programs developed with the local Red Cross division after its leader was suspected of misuse of funds.

In 1997 the UNHRC and the OSCE Mission established a joint human rights office in Sukhumi, Abkhazia to investigate human rights abuses. The office has operated sporadically because of security conditions but has provided periodic findings, reports, and recommendations. During the year, the office registered relatively few complaints of abuse by de facto police and judicial authorities operating in the region.

NGOs continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The Constitutionally man-

dated office of the Public Defender, or Ombudsman, was created in 1995. The National Security Council's human rights advisor, who has a mandate to investigate claims of abuse, and the Public Defender were active in several individual cases involving police misconduct (*see* Section 2.c.). However, while government representatives were effective in individual cases, neither they nor NGOs were successful in prompting systemic reform.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution recognizes the equality of all citizens without regard to race, language, sex, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence; however, discrimination against women was a problem. The Constitution stipulates that Georgian is the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities usually communicated in their native languages or in Russian. Both Georgian and Russian were used for interethnic communication.

Women.—Societal violence against women was a problem. There are no laws that specifically criminalize spousal abuse or violence against women, although the Criminal Code, in force since June 2000, classifies marital rape and sexual coercion as crimes. During the year, 867 crimes were registered against women, compared with 678 in 2001. Part of this apparent increase may have been due to increased reporting. Crimes included 36 murders, 18 attempted murders, 52 rapes, and 25 attempted rapes; the remainder consisted of battery, assault and lesser crimes. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurred frequently but rarely was reported or punished because of social taboos against raising the problem outside of the family. Spousal abuse was reportedly one of the leading causes of divorce. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO operated a shelter for abused women, and the Government operated a hot line for abused women but did not provide other services. There were anonymous telephone services that assisted rape victims, but no shelters, specialized services, or other mechanisms to protect or assist them.

The kidnaping of women for marriage continued to occur, particularly in rural areas, although the practice continued to decline. Such kidnapings often were arranged elopements; however, at times these abductions occurred against the will of the intended bride, and sometimes involved rape. Police rarely took actions in such cases even though such kidnapings are a crime according to the criminal code.

Prostitution was not a criminal offense, and trafficking in women for the purpose of prostitution was a problem (*see* Section 6.f.). In the past, police officers reportedly beat and raped prostitutes; there were no such confirmed reports this year.

Sexual harassment and violence against women in the workplace was a problem, especially as economic conditions worsened, according to a U.N. Development Program (UNDP) report. Sexual harassment in the workplace rarely, if ever, was investigated.

The Constitution provides for the equality of men and women; however, discrimination against women was a problem. The Civil Code gives women and men equal inheritance rights. Divorce was legal and can be initiated by either a husband or wife. Younger women reported that the economic balance had shifted in their favor because many traditionally male jobs had disappeared due to the depressed economy. Women's access to the labor market had improved but remained primarily confined, particularly for older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. As a result, many women sought employment abroad. Salaries for women continued to lag behind those of men. Reportedly men were given preference in promotions. Of the 114,512 registered unemployed persons throughout the country, 46 percent were women. Women sometimes, but not often, filled leadership positions. According to the UNDP, employers frequently withheld benefits connected to pregnancy and childbirth.

A number of NGOs promoted women's rights, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy. Women's NGOs took an active role in the 1999 parliamentary election, the 2001 by-elections, and the June local and municipal elections, engaging candidates in discussions about issues of concern. Posters urging women to vote were a prominent part of the publicity campaign.

Children.—Government services for children were extremely limited. While education officially was free through high school, many parents were unable to afford books and school supplies, and most parents were forced to pay some form of tuition or teachers' salaries. Most children of school age attended school; however, in some places schools did not function or functioned sporadically because teachers were not

paid and facilities were inadequate, especially in winter when some schools could not afford to heat buildings. Many schools lacked libraries or even blackboards. Free health care was available only for children over the age of 3 years.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. A local NGO estimated that there were approximately 1,500 street children in the country, with 1,200 concentrated in Tbilisi, due to the inability of orphanages and the Government to provide support. The private voluntary organization Child and Environment and the Ministry of Education each operated a shelter; however, the two shelters could accommodate only a small number of street children. No facilities existed outside of Tbilisi. Street children often survived by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children with impunity. The Government took little other action to assist street children.

The Isolator detention facility for street children in Gldani was overcrowded, and children frequently were abused by other children and guards. There were no confirmed reports of police violence against street children this year.

The lack of resources affected orphanages as well. Children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The staff was paid poorly, and wages were many months in arrears. Staff members often diverted money and supplies provided to the orphanages for personal use. Orphaned children in government institutions were not eligible for foreign adoption.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment for up to 3 years.

Persons with Disabilities.—There is no legislated or otherwise mandated provision requiring access for persons with disabilities; however, the law mandates that the State ensure appropriate conditions for persons with disabilities to use freely the social infrastructure and to ensure proper protection and support. The law includes a provision of special discounts and favorable social policies for persons with disabilities, particularly veterans; however, many facilities for persons with disabilities remained closed due to lack of funding. Most persons with disabilities were supported by family members or by international humanitarian donations. Societal discrimination against persons with disabilities exists.

National/Racial/Ethnic Minorities.—The Government generally respected the rights of members of ethnic minorities in non-conflict areas but limited self-government and played a weaker role in ethnic Armenian and Azeri areas (*see* Section 3). School instruction in non-Georgian languages was permitted. A draft language law that would make knowledge of Georgian compulsory for persons employed by state institutions was under discussion in Parliament at year's end.

The State Language Chamber was tasked with organizing free language courses for government employees in regions inhabited by ethnic minorities. During the year, the language courses were organized and planned but were cancelled due to lack of funding. On February 8, the OSCE announced a project to support government programs to teach the Georgian language to ethnic minorities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of citizens to form and join trade unions, and workers exercised this right.

The principal trade union confederation was the Amalgamated Trade Unions of Georgia (ATUG), which was the successor to the official union that existed during the Soviet period. The ATUG consisted of 31 sectoral unions. The organization officially claimed 600,000 members, but acknowledged that the number of active, dues-paying members was lower. The union had no affiliation with the Government and received no government funding (except for support to send 200 children each year to summer camp).

The ATUG was involved in a legal action with the Government regarding the Palace of Culture, which the ATUG inherited when the Soviet Union collapsed. In 1998 the Constitutional Court awarded the property to the ATUG, but in 1999 a lower court ruled that the ATUG had no rights to the property. On May 30, following a number of court decisions, a decision was made that the union had no right to discuss the issue in its council meeting. The ATUG met with the Justice Council, which confirmed that this decision violated the law, the Constitution, and ILO regulations. The president of the ATUG continued to speak out on the issue, and in 2001 the city prosecutor opened a case against the president for violating the findings of the court. Both cases remained ongoing at year's end.

There were two trade unions in addition to the ATUG: The Free Trade Union of Teachers of Georgia Solidarity (FTUTGS) based in Kutaisi; and the Independent Trade Union of Metropolitan Employees, which was formed in Tbilisi in 2000.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages; however, the ATUG and its national unions reported frequent cases of management warning staff not to organize trade unions. Some workers, including teachers in the Imereti region, employees of various mining, winemaking, pipeline, and port facilities, and the Tbilisi municipal government reportedly complained of being intimidated or threatened by employers for union organizing activity. Observers also claimed that employers failed to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry of Labor investigated some complaints, but no action had been taken against any employers by year's end.

There were no legal prohibitions against affiliation and participation in international organizations. The ATUG was a full member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The Constitution and the law allow workers to organize and bargain collectively, and some workers exercised this right; however, the practice of collective bargaining was not widespread.

During the year, the ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers, most of which were wildcat actions. During the year, teachers went on strike for unpaid wages. Energy workers went on strike to demand unpaid wages and increased salaries.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and provides for sanctions against violators; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the law, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Health, Social Service, and Labor enforces these laws and generally they were respected.

The Government has not ratified the ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The state minimum wage was raised in 1999 to \$10.80 (20 GEL) a month. There was no state-mandated minimum wage for private sector workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions were insufficient to meet basic minimum needs for a worker and family. Average wages in private enterprises were \$75 to \$100 (150 to 200 GEL) monthly; in state enterprises, \$15 to \$30 (30 to 60 GEL). Salaries often were supplemented by unreported trade activities, assistance from family and friend networks, and the sale of personally grown agricultural products.

The old Soviet labor code, with some amendments, still is in effect. The law provides for a 41-hour workweek and for a weekly 24-hour rest period. The Government workweek often was shortened during the winter of 2000 due to the continuing energy crisis. The labor code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, although trafficking could be prosecuted under laws prohibiting slavery, forced labor, illegal detention, and fraud; the country was both a source and transit country for trafficked persons. There were unconfirmed reports that government customs and border officials were involved in the trafficking of persons.

The Government prosecuted some traffickers using fraud statutes, but otherwise had no active programs to address the problem of trafficking. A government program for combating violence against women included a proposal for measures to eliminate trafficking in women for the purpose of sexual exploitation; however, it has not been implemented due to budgetary constraints.

During the year, the MOIA created a seven-person unit specifically to combat trafficking. The unit received support from the American Bar Association Central and Eastern European Law Initiative, the International Organization for Migration (IOM), and other organizations. Local NGOs (Women for the Future, Peoni, and People's Harmonious Development Society) worked closely with the Public Defender's office, the body primarily responsible for prosecuting criminal cases involving trafficking.

Women primarily were trafficked from the country to Turkey, Greece, Israel, and Western Europe to work in bars, restaurants, or as domestic help. Many worked in the adult entertainment sector or as prostitutes. There also was evidence that Russian and Ukrainian women were trafficked through the country to Turkey, sometimes using fraudulently obtained passports. There were reports of Russian and Ukrainian women being sent to beach resorts in the summer months to work as prostitutes. The country was generally not a destination place for trafficked persons.

Trafficked persons often were lured by jobs abroad offered through tourism firms and the media; employment agencies falsely advertised jobs as au pairs, models, and housekeepers. For example, many of the women working in the adult entertainment sector as prostitutes were informed, or led to believe, that they actually would be employed as waitresses in bars and restaurants or as domestic help.

On July 15, Nugzar Sulashvili was the subject of an armed attack on his family at his home in Tbilisi. Sulashvili was the chairman of the NGO Center for Foreign Citizens' and Migrants' Rights and Security (FCRS). The attacker was detained by the police but released quickly; the police reportedly refrained from initiating an investigation. Sulashvili's NGO worked against trafficking and over the past two years provided victims with legal, medical, psychological, and financial assistance. The organization also pointed out possible government involvement in trafficking. During the past 3 years several acts of vandalism were perpetrated against the NGO; 7 criminal cases were brought to the attention of the police, but none were investigated. On May 13, unidentified persons attacked and beat Sulashvili on his way home. The attackers reportedly warned him that he should cease to investigate activities about employment firms participating in trafficking.

There were no government programs to help victims; however, there were several NGOs involved in aiding its victims. One internationally funded NGO opened a hotline offering psychological support and assistance to victims. In 2000 the NGO Women Aid Georgia received international funding and launched a widespread public information campaign to educate women about the dangers of trafficking. The IOM also worked on trafficking problems in the country. Victims who had returned to the country reported problems resuming normal life.

GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal government, the Chancellor, is elected by the Bundestag, the first of two chambers of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in Parliament in the Bundesrat enjoy significant autonomy, particularly regarding law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Law enforcement was primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office was limited to counterterrorism, international organized crime, particularly narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general were well trained, disciplined, and mindful of citizens' rights; however, there have been instances in which police committed human rights abuses.

A well-developed industrial economy provided citizens with a high standard of living. The population was approximately 82 million.

The Government generally respected the human rights of its citizens; although there were problems in some areas, the law and judiciary provided effective means of addressing individual instances of abuse. There were some limits on freedom of assembly and association. There was some discrimination against Scientologists and members of the Unification Church, and one regional court upheld a ban on the wearing of Muslim headscarves by teachers in public schools. Some minority religious groups reported instances of societal discrimination. Violence against women and children continued to be a problem, which the Government took steps to address. Instances of societal violence and harassment directed at minority groups and foreign residents continued. Women continued to face some wage discrimination in the private sector, as did minorities and foreigners. Trafficking in persons, particularly women and girls, was a problem. Germany was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports during the year of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The case of Aamir Ageeb, a Sudanese asylum seeker who died in 1999 during a deportation flight while in the custody of Federal Border Police, remained pending before a Hesse state appeals court. Ageeb allegedly resisted deportation violently and was restrained on the plane by police. An investigation was initiated following allegations that the police had restrained Ageeb in such a way as to hinder his breathing. In February the Frankfurt City Public Prosecutor's Office brought charges of negligent homicide against three Federal Border Police officers; however, the accused appealed the indictment. A court decision on the appeal is expected in 2003.

On May 11, Cologne police arrested a 31-year-old man for rioting, and allegedly beat the man while in custody in a police station. The man was taken to a hospital, where he fell into a coma and died 2 weeks later. The Cologne city prosecutor initiated a criminal investigation against six police officers allegedly involved in the beating. However, according to an expert medical opinion, the man did not die as a result of the beating, but rather as a result of a pre-existing medical condition. Therefore, the prosecutor's office announced it would seek charges against the police officers for bodily injury. The officers were suspended from duty during the investigation, and a trial is expected to take place in 2003.

During the year, the case of Dr. Hans-Joachim Sewering, who allegedly sent children with congenital disabilities to a hospital for euthanasia during the Nazi period, resurfaced. The Munich city prosecutor's office closed its investigation of the case in 1995, citing lack of evidence. Following interest expressed by foreign governments in the case, the Munich chief prosecutor indicated his willingness to reopen the investigation if new evidence is developed. Joint plaintiffs announced that they would appeal; however, there has been no court action on the appeals.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, in 2001 the U.N. Committee for the Elimination of Racial Discrimination expressed concern about "repeated reports of racist incidents in police stations as well as ill-treatment by law enforcement officials against foreigners" in the country.

The Government investigated abuses and prosecuted police who mistreated persons in custody (*see* Section 1.a.).

There were a number of violent rightwing attacks on minority groups and foreigners (*see* Section 5).

Prison conditions generally met international standards. A hunger strike by thirty-two prisoners in Berlin's Tegel prison in 2001, in which prisoners were protesting what they called poor living conditions (the prison was built in the 19th century and renovations were constrained by its status as a state historic site), ended when authorities responded to some of the prisoners' demands. Men were held separately from women, juveniles were held separately from adults, and pretrial detainees were held separately from convicted criminals.

The Government permitted visits by independent human rights monitors, although there were no reports that such visits were requested during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Basic Law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime, or the police have strong reason to believe that the person intends to commit a crime. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. Any person detained by police must be brought before a judge and charged within 24 hours of the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the person's release.

Police at times detained known or suspected rightwing and leftwing radicals for brief periods when they believed such individuals intended to participate in illegal or unauthorized demonstrations (*see* Section 2.b.). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension. There were no reports of such detention during the year.

Detainees have access to lawyers. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country. In these cases, a person may be detained for the course of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Basic Law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Basic Law provides for an independent judiciary, and the Government generally respected this provision in practice.

Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: Administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

Separate from these five types of courts is the Federal Constitutional Court, which is the supreme court. Among other responsibilities, it reviews laws to ensure their compatibility with the Basic Law and adjudicates disputes between different branches of government on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provided citizens with a fair and efficient judicial process, although court proceedings at times were delayed because of increasing caseloads. For simple or less serious cases, the Government adopted a procedure allowing for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases was limited to 1 year, and if a sentence of 6 months or more was expected, a defense counsel was required to be present.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Basic Law prohibits such actions, and government authorities generally respected these prohibitions; violations were subject to effective legal sanction. For example, one regional court upheld a ban on the wearing of headscarves by Muslim teachers in public schools (see Section 2.c.).

Several hundred organizations were under observation by the federal and state Offices for the Protection of the Constitution (OPC). The OPCs were charged with examining possible threats to the constitutional democratic system; they had no law enforcement powers, and OPC monitoring by law could not interfere with the continued activities of any organization. However, because the OPCs published a list of organizations being monitored, being on the list could have a negative influence on an organization's reputation, thus disturbing its normal activities. In observing an organization, OPC officials sought to collect information, mostly from written materials and first-hand accounts, to assess whether a threat existed. At times more intrusive methods, such as the use of undercover agents, were used, but they were subject to legal checks (see Section 2.c.).

In May the European Court for Human Rights in Strassbourg issued a ruling in the "Kutzner Case," in which a local court in the state of Lower Saxony in 1997 removed a couple's two daughters from their custody because the couple were "not intellectually capable of providing their daughters with a proper upbringing." The couple, both of whom have been employed continuously and who had not been diagnosed medically with neurological abnormalities, fought the social service system's actions to remove their children, claiming the removal was arbitrary. The court in Strassbourg agreed, ruling that the German authorities had violated the family's human rights, commenting that ". . . the fact that a child might be afforded better development in a different environment does not in itself justify forcible separation of the child from its biological parents."

In March the federal Administrative Court ruled that wiretap recordings of Helmut Kohl collected by the East German secret police (Stasi) be sealed. The court stated that protection for Stasi victims outweighed the value of releasing spy records on public figures.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law provides for freedom of the press, and the Government generally respected this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of the press and of speech; however, there were some limits on freedom of speech. Distribution of the propaganda of proscribed organiza-

tions, statements inciting racial hatred and endorsing Nazism, and denying the Holocaust, are illegal, and the authorities seek to block what they consider dangerous material on the Internet.

There were more than 800 radio stations and nearly 400 television stations in the country. In addition, there were hundreds of daily and weekly newspapers and periodicals. Foreign broadcasts and publications were available readily, particularly in the major cities. The media was independent; a wide range of political and other opinions were expressed freely.

There were approximately 120 Internet service providers. The law bans access to prohibited material (for example, child pornography and Nazi propaganda) on the Internet, and the Government explored ways to expand bilateral and multilateral cooperation in countering Internet crime. German officials estimated that there were approximately 800 Internet sites with what they considered objectionable or dangerous rightwing extremist content. The Federal Court of Justice held that the country's laws against Nazi incitement may apply to individuals who post Nazi material on Internet sites available to users in the country, even if the site resides on a foreign server.

In February and again in September, the Duesseldorf city administration, through the North Rhine-Westphalia (NRW) media regulatory agency, ordered several Internet service providers (ISPs) to deny access to certain web sites with rightwing extremist content. Fifteen ISPs separately have filed suits against this order in various NRW courts; decisions were pending at year's end.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government generally respected this right in practice; however, outlawed organizations were not permitted to hold public assemblies. Permits must be obtained for open-air public rallies and marches, and state and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess were banned routinely.

The law provides for freedom of association, and the Government generally respected this right in practice; however, the Basic Law permits the banning of organizations whose activities were found to be illegal or opposed to the constitutional democratic order as established by the Basic Law. The Federal Constitutional Court is the only body that can outlaw political parties on these grounds; under this provision, the Court in the 1950s banned a neo-Nazi and a Communist party. Federal or state governments may ban other organizations on these grounds, but legal recourse against such decisions is available. Such banned organizations included a number of groups that authorities generally classified as rightwing or leftwing, foreign extremist, or criminal in nature. Several hundred organizations were under observation by the federal and state OPCs (*see* Section 1.f.).

In 2000 the Government established a commission of experts to examine whether evidence against the rightwing extremist National Democratic Party (NPD) would meet the threshold to support a legal ban, which was demanded widely after a surge of rightwing extremist activity. The Bundestag and Bundesrat filed separate petitions for the banning of the NPD with the Court. A decision remained pending before the Federal Constitutional Court at year's end.

The mayor of Munich banned all demonstrations during the February Conference on Security Policy held in that city, citing a danger of violence. Anti-globalization groups had advertised plans for large, coordinated demonstrations at the Conference. Activists challenged the ban, but it was upheld in the local court.

In December 2001, the Federal Interior Minister banned the extremist Islamic organization Caliphate State on the grounds that the organization "actively worked to undermine the country's constitutional order." The ban was possible due to enactment of the Interior Ministry's first "Security Package," specifically to a section of the new law that removed a previous exception for religious organizations. Members of the organization have filed several suits in NRW courts against the ban and the accompanying searches and seizures of the organization's assets; however, on November 27, in each case the courts found for the state and upheld the ban.

c. Freedom of Religion.—The Basic Law provides for the freedom of religion, and the Government generally respected this right in practice; however, there was some discrimination against minority religious groups.

Church and state are separate, although historically a special relationship existed between the State and those religious communities that had the status of a "corporation under public law." If they fulfill certain requirements, including assurance of permanence, size of the organization, and no indication that the organization is

not loyal to the State, organizations may request that they be granted "public law corporation" status, which, among other things, entitles them to levy taxes on their members that the State collects for them. Organizations pay a fee to the Government for this service, and all public law corporations do not avail themselves of this privilege. The decision to grant public law corporation status is made at the state level.

Religious organizations were not required to register; however, most were registered and were treated like nonprofit associations and therefore enjoyed tax-exempt status.

Several states, noting their responsibility to respond to citizens' requests for information about nontraditional religious groups, have published pamphlets detailing the ideology and practices of these groups. While many of the pamphlets were factual and relatively unbiased, others could harm the reputations of some groups through innuendo and inclusion in a report covering known dangerous "cults," "sects," or "psychogroups." Scientology was the focus of many such pamphlets, some of which warn of the alleged dangers posed by Scientology to the democratic political order and free-market economic system and to the mental and financial well being of individual Scientology practitioners. For example, the Hamburg OPC published "The Intelligence Service of the Scientology Organization," which claimed that Scientology tried to infiltrate governments, offices, and companies, and that the church spied on its opponents, with the aim of defaming and "destroying" them.

Within the federal system, the states showed large differences with respect to their treatment of the Church of Scientology. One state, Schleswig-Holstein, did not have Scientology under observation by its OPC. Bavaria, on the other hand, announced in November that it might seek to ban Scientology based on recommendations of a recently released study commissioned by the state. The basis for the ban would be medical malpractice associated with Scientology's "auditing" techniques. The Bavarian Interior Ministry is expected to test a ban in courts during 2003.

A July ruling by the Federal Constitutional Court clarified the Government's "warning" function with respect to nontraditional religions. In a case pending since the 1980s involving the "Bagwan/Osho Spiritual Movement," the Court ruled that the Government is allowed to characterize such nontraditional religions as sects, "youth religions," and "youth sects," and is allowed to provide accurate information about them to the public; however, the Government is not allowed to defame them by using terms such as "destructive," "pseudo-religion," or "manipulative."

The Church of Scientology, which operated 18 churches and missions, remained under scrutiny by both federal and state OPCs, which contended that its ideology is opposed to democracy. Since 1997 Scientology has been under observation by the federal and state OPCs, with the exception of Schleswig-Holstein's (*see* Section 1.f.). The federal OPC's annual report for 2001 concluded that the original reasons for initiating observation of Scientology in 1997 still were valid, but noted that Scientology had not been involved in any criminal activity. When the issue of OPC observation was discussed at the annual gathering of state interior ministers in Bremen in December, the ministers also acknowledged that Scientology had not been involved in illegal activities.

In December 2001, the Berlin Administrative Court ruled that the Berlin OPC was barred from using undercover agents or other covert means for observing Scientology activities. However, the observation of Scientology activities through other means (e.g., open sources or electronic surveillance) was not affected by the ruling, which applied only to the city-state of Berlin.

Government authorities contended that Scientology was not a religion but an economic enterprise and therefore at times sought to deregister Scientology organizations previously registered as nonprofit associations and required them to register as commercial enterprises. With the exception of the Church of Scientology in Baden-Wuerttemberg, no Scientology organization in the country had tax-exempt status.

Until March 2001, the federal government required firms to sign a declaration when bidding on government contracts stating that neither the firm's management nor employees were Scientologists. In March 2001, the Economics Ministry persuaded the federal and state interior ministries to accept new wording that would only prohibit use of the "technology of L. Ron Hubbard" in executing government contracts. Firms owned or managed by or employing Scientologists could bid on these contracts. The private sector on occasion required foreign firms that wished to do business in the country to declare any affiliation that they or their employees may have with Scientology. Private sector firms that screen for Scientology affiliations frequently cited OPC observation of Scientology as a justification for discrimination. The Federal Property Office barred the sale of some real estate to

Scientologists, noting that the federal Finance Ministry had urged that such sales be avoided, if possible.

In August the federal Interior Ministry extended its refusal of entry to the country (refusal to issue a visitor visa) to the founder of the Unification Church, Reverend Sun Myong Moon, and his wife, Hak Ja Har Moon. The couple had been refused entry to the country (and through the Schengen Treaty visa ineligibility, to other Schengen countries) since 1995, when the Chief Office for Border Security issued a notice of refusal of entry for an initial period of 3 years. The stated reason for refusal of entry was that Reverend Moon and his wife were considered by the federal government to be leaders of a "sect" that endangered the personal and social development of young people; therefore, their entry to the country would not be in the national interest. The Government had extended the refusal of entry repeatedly, last in August for a period of 2 years, citing only the original basis for the refusal. Unification Church legal challenges to the refusal of entry were unsuccessful, but continued at year's end.

In March the Baden-Wuerttemberg Administrative Court ruled that Scientologists were not permitted to sell books and brochures in pedestrian zones in the cities of Stuttgart and Freiburg. The court noted that such activity required a permit, which the Church of Scientology never applied for. The Church of Scientology argued that this restriction violated the basic right of religious freedom; however, the court did not accept this argument.

In September 2001, responding to an appeal by a Scientologist who ran an au pair agency in Rheinland-Pfalz, the State Social Court upheld the Kassel court's finding, ruled out further appeals, and barred the woman from running the au pair agency.

On June 26, an administrative court upheld a 1998 ban in the southern state of Baden-Wuerttemberg on Muslim teachers wearing headscarves in the classroom. In July the Federal Administrative Court affirmed the lower court's ban on teachers wearing headscarves. Muslim students were free to wear headscarves.

Most public schools offered religious instruction in cooperation with the Protestant and Catholic churches and were prepared to offer instruction in Judaism if enough students expressed interest. A nonreligious ethics course or study hall usually was available for students not wishing to participate in religious instruction. The issue of Islamic education in public schools continued to be controversial; however, since 2000, the Islamic Federation has qualified as a religious community and must be given the opportunity to provide religious instruction in Berlin schools.

Scientologists continued to report instances of societal discrimination; however, there were fewer reports during the year. In the state of Bavaria, applicants for state civil service positions were required to complete questionnaires detailing any relationship they may have with Scientology. Currently employed civil servants were not required to provide this information. The questionnaire specifically stated that the failure to complete the form would result in the employment application not being considered. However, previous court cases have ruled in favor of employees who have refused. According to Bavarian and federal officials, no one in Bavaria lost a job or was denied employment solely because of association with Scientology; Scientology officials confirmed this fact. A number of state and local offices shared information on individuals known to be Scientologists. There were numerous unconfirmed reports from Scientologists that they were denied banking services when the account was to be opened under the name of the Church of Scientology, and were denied the right to rent facilities to hold meetings and seminars.

The Catholic and Lutheran churches in the country employed "sect commissioners" to investigate and publish their opinions on those groups they considered "sects, cults, and psycho-groups."

With an estimated four million adherents, Islam was the third most commonly practiced religion in the country (after Catholicism and Lutheranism). All branches of Islam were represented in the country, with the large majority of Muslims coming from other countries. At times this led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims can use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remained areas where the law conflicted with Islamic practices or raised religious freedom issues.

In January the Federal Constitutional Court ruled that Muslim butchers could apply for waivers of animal slaughtering regulations, like other religious communities.

In the past, opposition to the construction of mosques was reported in various communities around the country. There was no further discussion of the dispute in Heselach regarding the construction of a mosque.

There also was a case of a planned mosque in the Frankfurt suburb of Roedelheim. Neighbors expressed concerns about an increase in traffic if visitors

came to attend services at the mosque. There were newspaper reports of open opposition to the project voiced at citizen meetings with the city administration. Leading city officials appeared to support the construction of the mosque, but the case was pending at year's end.

During the year, anti-Semitic incidents in the country received increased media and law enforcement attention amid comments by several Jewish community leaders that German Jews increasingly felt threatened. Such incidents had occurred in the past; however, the context this time was marked by significant pro-Palestinian public sentiment, harsh criticism of Israeli policy by some well-known German politicians, and anecdotal evidence of growing indignation toward Israel on the part of Germany's Muslims.

It was common during the year to see groups of Hamas and Hizbollah members and supporters marching together with antiglobalization activists and even Green Party members of the German Bundestag at anti-U.S. demonstrations. The Muslim extremist Hizb-ut-Tahrir organization was able to rent space at a public university in Berlin in order to have an anti-Israel meeting, attended also by leaders of German neo-Nazi organizations. Both at anti-U.S. demonstrations and in Muslim extremist meetings and seminars, calls to violence against Jews were common. State and federal authorities have begun to investigate possible links between neo-Nazi and Muslim extremist organizations.

Crimes that were classified by the police as anti-Semitic are: propaganda inciting racial hatred (e.g., distribution of anti-Semitic literature, hate letters sent to Jewish institutions), destruction of property (e.g., desecration of Jewish memorials by graffiti, bombing or vandalism of Jewish sites), and assaults on persons (e.g., physical and/or verbal abuse of a person wearing a Jewish symbol). During the first few months of the year in Berlin, there were approximately 50 attacks compared with 106 in 2001. Desecration of memorial sites dedicated to victims of Nazi crimes was common. In September an attack on a museum dedicated to a Nazi death march in Brandenburg involved the planting of sophisticated incendiary devices, which resulted in extensive property damage.

Government authorities on all levels took anti-Semitic activities very seriously and consistently have taken a strong stance against it. Police forces continued to provide protection for Jewish sites and some Jewish leaders, and in some cases have increased the level of protection.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Basic Law provides for these rights, and the Government generally respected them in practice. For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. The law provides that children born to legal foreign residents may be granted citizenship. Individuals may retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law reduced the period of residence legal foreign residents must spend in the country in order to earn the right to naturalize from 15 to 8 years.

Legislation aimed at rationalizing immigration law passed the Bundestag during the 2002 legislative session; however, the federal Constitutional Court in Karlsruhe ruled in December that the procedures followed during Bundesrat ratification were unconstitutional. New immigration legislation is expected to be taken up again during the 2003 session.

The Basic Law and subsequent legislation provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Both the Federal government and state governments cooperated with the office of U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters were primarily a state-level responsibility.

Individuals attempting to enter via a "safe third country" (any country in the European Union (EU) or adhering to the Geneva Convention on Refugees) were ineligible for asylum and could be turned back at the border or returned to that "safe third country" if they managed to enter the country. Persons coming from any country which officials designated as a "safe country of origin" could not claim asylum, and individuals whose applications were rejected on these grounds had up to 2 weeks to appeal the decision. Individuals who arrived at an international airport and who were deemed to have come from a "safe country of origin" could be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees was required to make a decision on an asylum application within 48 hours or allow the person to enter the country. The person could appeal a neg-

ative decision to an administrative court within 3 days, and the court was required to rule within 14 days or allow the individual to enter the country. Although stays in the airport facility in theory are limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be deported immediately, have been held at the airport for months, a practice criticized by some refugee assistance groups and human rights advocates (*see* Section 1.c.).

Applicants who entered the country and were denied asylum at their original administrative hearing could challenge the decision in court, and 80 percent of applicants denied asylum did so. Approximately 3 to 4 percent of such rejections were overturned. The rejected applicant was allowed to remain in country during the course of the appeal, which usually took at least a year and sometimes significantly longer. Applicants received housing and other social service benefits during this time. Since 2000 applicants for asylum and civil war refugees have been allowed to work after a 1-year waiting period. Individuals who failed to cooperate during the deportation process or who were deemed liable to flee to avoid deportation could be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Some foreigners whose asylum applications were rejected, but who would be endangered if they were returned to their home country, such as those fleeing civil wars, received temporary residence permits; however, they were expected to leave when conditions in their home country allowed for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom the Government admitted during the conflict in the former Yugoslavia fell into this category; most of these persons since have been repatriated or resettled outside of the country. For the remaining Bosnians and Kosovars, once their residence permits expired, they could be deported, although some exceptions were made for certain vulnerable groups, such as members of ethnic minorities, including Serbs, Roma, Ashkalia, and Muslim Slavs. In a number of cases, there also were exceptions made for medical reasons. The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial incentives of between \$765 and \$2,250 (765 and 2,250 euros) to help cover travel and resettlement costs; many states provided additional resettlement funds. However, failure to accept voluntary repatriation subjected these refugees to the threat of deportation, forced them to leave their personal property behind, and excluded them from reentering the country for a 5-year period.

In some cases, unsuccessful asylum seekers attempt to thwart their deportation by refusing to disclose to authorities their country of origin or their identity. This situation was prevalent among asylum seekers from West Africa; however, it is also not unusual among asylum seekers from the former Soviet Union. Bavaria attempted to speed up repatriation of uncooperative rejected asylum seekers by opening "departure facilities," i.e., communal accommodations where foreigners are housed while authorities obtain valid information regarding their identity and citizenship. A new departure center was opened on a trial basis in Fuerth, and was planned to house 50 unsuccessful uncooperative asylum seekers from the former Soviet Union. Some refugee-rights and church organizations criticized the Fuerth center as inhumane. They claimed that the basic amenities and relative lack of freedom of movement exerted psychological pressure on the residents. Bavarian authorities countered that the center's emphasis on counseling and job skill development promoted the residents' willingness to depart voluntarily and enhanced their chances of success in their home countries.

During the year, police in Trier, Rhineland-Palatinate, allegedly forced an Armenian asylum applicant to submit to an examination of his genitalia. The police asserted that the applicant submitted voluntarily to the examination, and that the examination was necessary to determine his nationality. The applicant claimed that the examination was forced. Refugee rights groups requested an investigation and that the police officers be held accountable. The police investigated the incident; no indictments were handed down by the Public Prosecutor by year's end.

The right of most Kosovar refugees to stay in the country expired in spring 2000 and most states began regular deportations in March 2000. During 2001 approximately 4,500 Kosovar refugees were deported and approximately 8,200 returned home on a voluntary basis. Some national officials, the UNHCR, and domestic refugee support organizations have cautioned that the refugees' place of origin and ethnicity should be given careful consideration in the implementation of Kosovar returns. Incentive programs for the voluntary return of Bosnian and Kosovar refugees remained in effect, but on a reduced scale compared to earlier years. In the first 6 months of the year, 1,160 refugees from Kosovo returned voluntarily, compared with 2,239 during the same period in 2001.

State authorities, working in close cooperation with the International Organization for Migration (IOM), the UNHCR, and other domestic nongovernmental organizations (NGOs), continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. In 2000 the Federal and State Interior Ministers decided at their annual meeting to grant severely traumatized Bosnians and their family members, including unmarried adult children, temporary residence permits for the duration of their medical treatment. In addition, the Government would permit some older Bosnian refugees, as well as some categories of Kosovars (such as orphaned children, ethnically mixed couples from areas with no minority protection, and war crimes tribunal witnesses) to stay in the country.

Refugee assistance organizations have expressed concern regarding courts' interpretations of certain provisions related to the right of asylum, notably the practice of excluding "quasi-governmental" persecution as a basis for granting asylum. In 2000 the Federal Constitutional Court ruled that lower courts had erred in denying asylum to three Afghan applicants because their persecutors were not a state government but members of a Mujahadeen group—a quasi-governmental entity. The case was remanded back to the lower court with instructions to reconsider the issue of quasi-governmental persecution. The lower court confirmed that "quasi-governmental" persecution is excluded as a basis for asylum decisions. In response to the Constitutional Court ruling, the Federal Office for the Recognition of Foreign Refugees postponed making decisions in all pending asylum cases involving quasi-governmental persecution until the lower court reissues its ruling.

In July the case of the ethnic Turkish juvenile delinquent Mulis A. ("Mehmet") resurfaced. Mehmet, a Turkish citizen, was born in Germany to Turkish parents resident in Germany for 30 years. By the age of 14, he had committed several criminal offenses. In 1999 Munich authorities cancelled Mehmet's residence permit; however, his parents refused to leave the country. The court ruled that Mehmet could be deported without his parents, and he was forcibly expelled to Turkey, where he lived with relatives for more than 2 years. In July the Federal Administrative Court ruled that Mehmet's crimes were not serious enough to warrant revocation of his residence permit and ordered that it be restored immediately. The city complied, and Mehmet returned to Bavaria (now as an adult).

An investigation into the 1999 death of a Sudanese asylum seeker who died during a deportation flight while in the custody of the Federal Border Police remained pending at year's end (*see* Section 1.a.). As a result of this incident, the Federal Interior Ministry instituted new deportation procedures that prohibit methods that could hinder breathing.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections. Members of Parliament's first chamber, the Bundestag, are elected every 4 years from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second chamber, the Bundesrat, is composed of delegations from state governments; there are no collective Bundesrat elections.

In the Bundestag, there were two major political parties, the Social Democrats (SPD) and the Christian Democratic Union/Christian Social Union (CDU/CSU), as well as two smaller parties, the Free Democrats (FDP) and the Greens. Parties that failed to win either 5 percent of the vote nationwide or three seats in head-to-head contests ("direct mandates") were not allotted their proportional share of seats (although they retain any seats won directly). In the September 22 national elections, the PDS won two direct mandates, but failed to gain the 5 percent needed; therefore, there were only two PDS deputies in the new Bundestag. The federal Constitutional Court may outlaw political parties that actively work to undermine the liberal democratic order (*see* Section 2.b.).

The law entitles women to participate fully in political life, and a growing number are prominent in the Government and the parties. Less than 31 percent of the members of the Bundestag were women. Women occupied 7 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges were female, including the Chief Justice. Two of the parties represented in the Bundestag were headed by women: The CDU and the Greens/Alliance 90 (co-chaired by a woman and a man). All of the parties had undertaken to enlist more women. The Greens/Alliance 90 Party required that women constitute half of the party's elected officials; and 57.5 percent of the Party's federal parliamentary caucus members are women. The Social Democrats had a 40-percent quota for women on all party committees and

governing bodies, and they met that goal. The Christian Democrats required that 30 percent of the first ballot candidates for party positions be women, a goal that they met.

There were two Turkish-German Bundestag deputies, and one German-Indian mixed race deputy in the Bundestag.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of international and domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

In 2000 the Bundestag voted to create the National Institute for Human Rights, an autonomous foundation whose function will be to monitor human rights domestically and abroad and to promote education and scientific research in the field. The Institute was founded in 2001 and is expected to begin full operation during 2003.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits the denial of access to housing, health care, or education on the basis of race, disability, sex, ethnic background, political opinion, or citizenship.

Women.—Violence against women was a problem and was underreported. In 2001 countrywide, 7,891 cases of rape were reported, 5 percent more than in 2000. The law prohibits violence against women and the Government has implemented a vast array of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse are available. During the year, the Government conducted campaigns in schools and through church groups to bring public attention to the existence of such violence and supported numerous pilot projects to combat such violence throughout the country. For example, there were 435 “women’s houses,” including 115 in the eastern states (excluding Berlin), where victims of violence and their children could seek shelter, counseling, and legal and police protection. In the last few years, the Federal Ministry for Women and Youth has commissioned a number of studies to obtain information on violence against women, sexual harassment, and other matters.

Prostitution is legal in the country. Lawmakers have approved new rules affording prostitutes more benefits such as the chance to enter the social security system and to use the courts to obtain payment for their services.

Trafficking in women was a serious problem (*see* Section 6.f.).

There were no reports that women were victims of sexual harassment.

The Government continued to implement its multiyear action plan, “Women and Occupation.” The program promoted the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of women and girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005. The law provides for equal pay for equal work; however, in practice many employers categorized individual jobs held by women differently from the same job held by a man, thereby creating inequalities in pay for men and women. Union contracts typically identified categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women were represented disproportionately in these lower-wage scale occupations. In general a women’s average monthly income was lower than a man’s average monthly income. However, if factors such as differences in age, qualification, occupational position, structure of employment or seniority are taken into consideration, women usually were not discriminated against in terms of equal pay for equal work, although they were underrepresented in well paid managerial positions.

In 2000 the European Court of Justice ruled that the Government’s prohibition on women in combat roles in the armed forces violated EU directives against discrimination based on gender. The Government accepted the ruling and in 2000 amended the Basic Law to open all military jobs to women on a voluntary basis. The first group of 244 women reported for duty in January 2001. The integration of women into new armed forces roles took place without problems.

Children.—The Government was strongly committed to children’s rights and welfare; it amply funded systems of public education and medical care. Public education

was provided free of charge through the university level and was mandatory through the age of 16; almost all children attended school on a daily basis.

Child abuse was a problem. The law stresses the need for preventive measures, and in response the Government has increased its counseling and other assistance to abused children.

The Criminal Code provides for the protection of children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year's imprisonment; the sentence for distribution is 5 years. The law makes the sexual abuse of children by citizens abroad punishable even if the action is not illegal in the child's own country. Due to increased law enforcement efforts in this area, 2,745 arrests for possession or distribution of child pornography were made in 2001, an increase of 72 percent over 2000.

Trafficking in girls was a serious problem (*see* Section 6.f.).

Persons with Disabilities.—The Basic Law specifically prohibits discrimination against persons with disabilities, and there were no reports of discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates several special services for persons with disabilities; they are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offered vocational training and grants for employers who hired the disabled. Persons with severe disabilities could be granted special benefits, such as tax relief, free public transport, special parking facilities, and exemption from radio and television fees.

The Government set guidelines for the attainment of “barrier-free” public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a “barrier-free environment.” There were no reports of societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The authorities' concerns about terrorism in the last year have led to a reduction of police resources directed at right- and left-wing extremism. The OPC Report for 2001 stated that during the year there were 709 violent right-wing extremist crimes; of these, 18 were anti-Semitic and 374 were anti-foreigner. There were also 9,345 non-violent right-wing extremist crimes, mostly propaganda offenses (6,336). During 2001 there were 750 violent left-wing extremist crimes, and 1,145 non-violent left-wing extremist crimes. Also in 2001 there were 84 violent crimes perpetrated by members of extremist foreign organizations for political reasons, and 427 non-violent crimes perpetrated by these foreigners.

Harassment of foreigners and racial minorities, including beatings, remained very common throughout the country. Media reports indicated that several such incidents occurred per week. In May an ethnic German immigrant from Russia was stoned to death by a group of neo-Nazis in the town of Wittstock (Brandenburg), the location of a government housing facility for 300 Russian immigrants. This high-profile case and the known concentration of leaders of the “right-wing scene” in the area led Brandenburg authorities to form a special police task force to address right-wing extremist crime in northwest Brandenburg. In December a group of approximately ten “skinheads” taunted a black man with racist slurs and beat him with a baseball bat in the town of Voerde (North Rhine-Westphalia). The man was left lying on a rapid-transit train platform where the attack occurred. The perpetrators escaped by boarding a train.

“Membership” in rightwing organizations was difficult to ascertain; however, authorities estimated that there were approximately 1,500 persons nationwide who were leaders of rightwing activities. Authorities estimated an additional 10,000 persons were sympathizers.

A 24-year-old rightwing extremist was sentenced to life in prison for the murder of Alberto Adriano (from Mozambique); his two 16-year-old accomplices were each sentenced to 9 years in prison. All three were imprisoned at year's end.

After a 17-month trial by a court in Cottbus (Brandenburg), 3 of the 11 juvenile defendants in the Farid Guendoual case were acquitted and the rest were found guilty and given “warning” sentences that did not require jail time. The court found that the youths, from the town of Guben, had followed and harassed Guendoual and two other foreigners, and that Guendoual, out of fright, had jumped through a window and sustained fatal injuries. Relatives of Guendoual from Algeria were contemplating an appeal of the sentences.

The Federal government and state governments remained firmly committed to combating and preventing rightwing violence, although police resources increasingly were allocated to address the terrorist threat. In 2000 Federal and State Interior

Ministers agreed on a slate of measures to combat extremist violence, which included increased physical protection of Jewish and other potential targets, the creation of a national register of violent rightwing extremists, increased patrolling or video monitoring by the border police in transit stations, and the prosecution of illegal rightwing content on the Internet (*see* Section 2.a.). The Federal Border Police also established a hot line for concerned citizens to report rightwing crimes. The Government announced that it would use \$34 million (34 million euros) from the EU Social Fund for antirightwing initiatives, to be cofinanced by the states or communities wishing to apply for project funds. In addition a number of state and local governments continued programs to crack down on rightwing extremist activities and to engage young persons considered most “at risk” for rightwing behavior.

In April the 8th Party Congress, the PKK (Kurdistan Communist Party) declared that its historic mission was completed and called for a halt to all activities by members. However, during the year there was a signature collection drive for a petition by PKK members in North Rhine-Westphalia (NRW). This led to the authorities’ discovery of the identities of many PKK members, many of whom were indicted on charges of extremist leftwing activity, consistent with the Government’s ban of the PKK.

The Government protected and fostered the languages and cultures of national and ethnic minorities that traditionally lived in the country (for example, Serbs, Danes, Roma, Sinti, and Frisians). Although the Government recognized the Sinti and Roma as an official “national minority” since 1995, the federal and state interior ministries resisted including Romani among the languages to be protected under relevant EU statutes. Critics contended that the Sinti/Romani minority was the only official national minority that did not have unique legal protection, political privilege, or reserved representation in certain public institutions.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affected foreigners disproportionately, although at times this was due in part to inadequate language skills or nontransferable professional qualifications of the job seekers (*see* Section 6.e.). The Federal government and all states established permanent commissions to assist foreigners in their dealings with government and society.

Section 6. Worker Rights

a. The Right of Association.—The Basic Law provides for the right to associate freely, choose representatives, determine programs and policies to represent workers’ interests, and publicize views, and workers exercised these rights. Approximately 28.5 percent of the total eligible work force belonged to unions. The German Trade Union Federation (DGB) represented approximately 85 percent of organized workers.

The law effectively protects workers against antiunion discrimination. Labor courts are courts of first instance; therefore, complainants file their cases directly with the labor courts. Specialized labor court judges render decisions in these cases.

The DGB participated in various international and European trade union organizations, including the European Trade Union Confederation (ETUC) and the International Confederation of Foreign Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The Basic Law provides for the right to organize and bargain collectively and workers exercised these rights. Collective bargaining was widespread due to a well-developed system of autonomous contract negotiations; mediation was used infrequently. Basic wages and working conditions were negotiated at the industry level. However, some firms in the eastern part of the country refused to join employer associations or withdrew from them and then bargained independently with workers. In addition, some firms in the west withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system; however, they did not refuse to bargain as individual enterprises. The law mandates a system, known as co-determination, whereby workers are able to participate in the management of the enterprises in which they work through “works councils” and worker membership on boards of directors.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) criticized the Government’s definition of “essential services” as overly broad. The ILO continued to seek clarifications from the Government on policies and laws governing the labor rights of civil servants.

In May more than 100,000 workers from 85 firms organized a week-long strike, demanding pay increases and more jobs. It was the country’s first large-scale strike

in 7 years. This was followed by a construction industry strike in June, the first since World War II.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Basic Law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

In 2000 agreement was reached among eight nations, German companies, and victims' representatives on the establishment of a German foundation that will distribute funds for payments to private and public sector Nazi era forced and slave laborers and others who suffered at the hands of German companies during the Nazi era. The Government and German companies each will contribute \$2.3 billion (2.3 billion euros) to the "Remembrance, Responsibility, and the Future Foundation," which was established under the law. The Foundation concluded agreements with partner organizations such as the IOM that are to receive Foundation funds in order to process and pay claims according to agreed procedures and subject to audit. Payments to former forced laborers began in July 2001. Since then the Foundation has paid approximately \$2 billion (2 billion euros) to more than one million claimants worldwide.

In October the Foundation signed an agreement with the International Commission on Holocaust Era Insurance Claims, marking another important step in the country's cooperative efforts to address the injustices of World War II and the National Socialist era. This agreement on procedures should enable the International Commission to compensate unpaid or confiscated Holocaust-era insurance claims.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 15, with a few exceptions: Those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforced the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work.—There was no legislated or administratively determined minimum wage; wages and salaries were set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering approximately 90 percent of all wage and salary-earners, the collective bargaining agreements set minimum pay rates and were enforceable by law. These minimums provided a decent standard of living for a worker and family.

Federal regulations limit the workweek to a maximum of 48 hours, but the number of hours of work per week was regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers was 36 hours in the western part of the country and approximately 39 hours in the eastern states; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.

There was an extensive set of laws and regulations on occupational safety and health. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Work Safety. At the local level, professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversaw worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

Foreign workers legally in the country were protected by law and generally worked in conditions equal to that of citizens; however, wage discrimination affected legal foreign workers to some extent. For example, foreign teachers in some schools were paid less than their German counterparts. In addition, seasonal workers from Eastern Europe who came to the country on temporary work permits often received wages below normal German standards. Workers from other EU countries at times were employed at the same wages that they would receive in their home country, even if the corresponding German worker would receive a higher wage. Foreigners who were employed illegally, particularly in the construction industry in Berlin, were likely to receive substandard wages.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons, primarily women and girls for sexual exploitation, was a serious problem.

The law specifically prohibits trafficking in persons and trafficking in persons is punishable by up to 10 years' imprisonment. The Federal Criminal Office and state

police actively investigated cases of trafficking and published their findings in an annual trafficking report. In the 2001 report, officials counted and registered 746 trafficked victims—26 percent fewer than in 2000. However, these numbers referred to trafficking for the purposes of sexual exploitation only and did not include trafficking for other purposes. The Federal Ministry for Families, the Elderly, Women, and Youth headed an interagency working group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. The Federal Criminal Office offered a 2-week seminar twice a year to train police officers from all over the country in the handling of trafficking cases. The federal and state governments worked actively with NGOs and local women's shelters in combating human trafficking. The Government published a brochure that provided information on residency and work requirements, counseling centers for women, health care, warnings about trafficking, and information for sex-industry workers that was printed in 13 languages and distributed by NGOs and German Consulates abroad.

The Federal government continued a multiyear "Action Plan to Combat Violence Against Women." This effort included the creation of a number of combined federal and state working groups, with the participation of relevant NGOs, to address possible legislative changes, public educational campaigns, and opportunities for greater institutional cooperation. Under this program, the Government planned to spend approximately \$373,000 (373,000 euros) over 3 years to establish a "National Coordination Group Against Trafficking in Women and Violence Against Women in the Migratory Process."

In September police in Rhineland-Palatinate and Saarland arrested 14 persons, including an army colonel, for running a human trafficking ring. The arrests were the result of effective collaboration between German and Polish authorities, who obtained incriminating information from a woman arrested in Poland.

Germany was a destination and transit country for trafficking in persons, overwhelmingly women and girls. Most trafficking victims were women and girls between the ages of 16 and 25 who were forced to work as prostitutes; according to police statistics, less than 0.5 percent of trafficking victims were men or boys. Estimates varied considerably on the number of women and girls trafficked to and through the country; they ranged from 2,000 to 20,000 per year. Approximately 80 percent of trafficking victims came from Eastern Europe and the countries of the former Soviet Union, primarily from Poland, Ukraine, Russia, Moldova, Lithuania, Slovakia, Latvia, and the Czech Republic. Frequently crime rings would traffic women who already had been caught in, and deported from, one European country to another European country. The other 20 percent of trafficking victims came from Southeast Asia, Africa, and Latin America.

Traffickers used fake employment offers, arranged marriages, fraud, and coercive measures to find victims and used various methods to insure their compliance, including threats of "selling" the victim to other traffickers, threats against family members in the country of origin, physical violence, and the withholding of documents.

The Ministry has lobbied states successfully to provide victims of trafficking who had been detained by police 4 weeks to leave the country, rather than have them face immediate deportation. The 4-week grace period allowed the victims time to decide whether to cooperate with police on investigations of those suspected of trafficking. During this time, the women were housed, fed, and provided counseling. However, the interagency Working Group on Trafficking in Women and NGOs claimed that the directive allowing a 4-week grace period was not applied uniformly or correctly. According to the Working Group, victims often were deported immediately after being taken into custody. Those who cooperated, although they are very few in number, were granted a temporary stay for at least part of the proceedings and could be eligible for witness protection at the state level. In three past cases, the children of women in such witness protection programs were brought to the country to prevent possible retaliation against them due to their mother's testimony; however, protection ends once the case is concluded.

Because victims technically were illegal residents, they were not allowed to work during the period of a trial, and because they do not have a residence permit, they only qualified for financial assistance under the federal Law on Payments for Asylum Seekers, which were lower than regular welfare payments. Trafficking victims who could not afford to pay for their return tickets home could be eligible for state and federal funds for transportation and some pocket money.

The Federal government continued its funding of six counseling centers for women from Central and Eastern Europe, and most states and many communities co-financed institutions that helped counsel and care for victims of trafficking. The Government also funded the "Coordination Network" (Koordinierungskreis der Fachberatungsstellen/KOK), a network of more than 30 NGOs that participated in

processing the caseload of victims of human trafficking. There were more than 30 organizations that fell under the network of the KOK. These organizations provided food, shelter, and counseling to victims.

The country worked with the OSCE on social programs aimed at preventing trafficking in persons. These programs targeted "at risk" young women in their countries of origin and provided information about the dangers of trafficking as well as offering job skill development assistance.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy in which citizens choose their representatives in free and fair elections. The Panhellenic Socialist Movement (PASOK) won the majority of parliamentary seats for a second consecutive term in parliamentary elections held in April 2000. Its leader, Constantine Simitis, has been Prime Minister since 1996. The New Democracy Party was the main opposition party. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities generally maintained effective control of all security forces. The police and security services are subject to a broad variety of restraints; however, some members of the police and security forces committed human rights abuses.

The country had a market economy with a large public sector that accounted for some 40 percent of the estimated gross domestic product (GDP) of \$125 billion for the year. With a population of 10.9 million, residents enjoyed a high standard of living. Net flows from the European Union (EU), mainly from structural adjustment funds and subsidies, accounted for 3.3 percent of the country's GDP.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security forces personnel sometimes abused persons, particularly illegal immigrants and Roma. There was one report of police torture of an illegal immigrant. Overcrowding and harsh conditions continued in some prisons. Police sweeps resulted in the detention of undocumented immigrants under often squalid conditions. There were legal limits on the freedom of association of ethnic minorities. Some leaders of minority religions noted a general improvement in government tolerance, but others reported difficulty with the authorities. Laws restrictive of freedom of speech remained in force, and some legal restrictions and administrative obstacles on freedom of religion persisted. Violence and discrimination against women were problems. Discrimination against ethnic minorities and Roma remained a problem. There were reports that foreign children were forced into begging. Trafficking in women and children into the country for the purpose of prostitution was a problem. Greece was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. *Arbitrary and Unlawful Deprivation of Life.*—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In October a government inquiry and an internal police council found a police officer guilty of the shooting death of Rom Marinos Christopoulous in October 2001. They recommended that the police officer be dismissed from the police force; however, he had not been dismissed by year's end.

There were no deaths resulting from terrorist activity during the year. The terrorist group November 17 claimed responsibility for 23 killings since 1975. By year's end, police had arrested 19 suspected members of the group.

b. *Disappearance.*—There were no reports of politically motivated disappearances.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and the law makes the use of torture punishable by a sentence of 3 years' to life imprisonment; however, security force personnel occasionally abused persons, particularly illegal immigrants and Roma (see Section 5). A Report on Greece issued in May 2001 by the U.N. Committee Against Torture expressed concern about the excessive or unjustifiable use of force by police against ethnic and national minorities and foreigners. In January a policeman allegedly kicked a pregnant woman during a raid on the Apropyrgos Roma camp; she later miscarried. No disciplinary action was taken.

Yannis Papacostas alleged that he was beaten and tortured on August 18 in a police station near Athens after being arrested for a driving offense. Greek Helsinki

Monitor and the World Organization Against Torture alleged, that on June 25, police tortured Nigerian national Joseph Okeke after he resisted deportation. The Ministry of Public Order announced investigations into both incidents which were not concluded at year's end.

By year's end, no one had been charged in the reported June 2001 abuse by Port Authority personnel of 164 migrants who came ashore in Hania, Crete.

After an internal inquiry into the police beating of a man in Rhodes in July 2001, no one was arrested or charged.

Roma experienced police abuse more frequently than some other groups. Amnesty International called on the authorities to conduct an impartial investigation into allegations made by Andreas Kalamiotis, a 21-year-old Rom, who claimed that he was beaten and mistreated by police in July 2001 while in custody for disturbing neighbors in Aghia Paraskevi with loud music. The Ombudsman wrote to the police in 2001 and this year to request an administrative inquiry; however, no action had been taken at year's end. By year's end, no one had been charged in the police beating of a Rom during a traffic stop in Nafplio in September 2001.

Immigrants—mostly Albanian citizens—accused police of physical, verbal, and other mistreatment (including the confiscation and destruction of their documents), particularly during police sweeps to apprehend illegal immigrants (*see* Section 2.d.). The severity of this problem did not diminish during the year despite legislation that extended a program to allow immigrants to regularize their status.

The European Committee for the Prevention of Torture (CPT) carried out one of its periodic visits during September 2001. The committee reviewed developments concerning the treatment and detention conditions of persons held under laws concerning aliens. The CPT found that ill-treatment of detainees by law-enforcement officials was a serious problem. The ill-treatment included kicks, blows with hands, fists, batons or other objects, excessive force at the time of arrest and ill-treatment of prisoners during transfers. The CPT also found that detention conditions by law enforcement agencies varied from "acceptable" to "unacceptable." The Committee found that the principal obstacle to providing decent conditions in prisons was severe overcrowding.

In August 2000, two foreigners accused police in Crete of mistreatment while under detention. There was no investigation into or action taken in this case by year's end.

During the year, the Bureau of Internal Affairs of the Ministry of Public Order took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, mainly for the forging of documents and the taking of bribes for illegal construction. During the period of October 1999 to August 2002, 1,609 complaints were filed. Most cases involved violation of duty, false certificates, abuse of power, corruption, violations with arms and explosives, illegal release of persons in police custody, pimping, and various violations relating to alien registration. Lawsuits were filed in 364 cases against 222 policemen and 202 civilians by year's end.

Local police corruption facilitated trafficking in persons (*see* Section 6.f.).

Numerous anarchist and extremist groups attacked a wide spectrum of targets, mostly commercial property, during the year. There were occasional firebomb attacks on vehicles and commercial offices during the year.

Conditions in some prisons remained harsh due to substantial overcrowding and outdated facilities. As of September, the Ministry of Justice reported that the total prison population was 8,328 inmates, while the total capacity of the prison system was 5,284. In general juveniles were held separately from adults, and women were held separately from men. Pre-trial detainees were held together with convicted prisoners awaiting trials in Korydallos Prison.

The CPT found that conditions were acceptable in the Amygdaleza detention center for illegal alien women. The CPT found that the Drapetsona detention center conditions were unhygienic. The Ministry of Justice continued its program to improve prison conditions and expand capacity. Construction continued on four new prisons. During the June visit of the Commissioner for Human Rights for the Council of Europe, the Justice minister said that plans for 17 new prisons were underway but that local opposition was delaying their construction.

The Government permitted prison visits by independent human rights observers, and several took place during the year; however, it did not consistently allow visits to police detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, throughout the year, the police conducted large-scale sweeps and temporarily detained, often under squalid conditions, large numbers of foreigners while determining their residence status (*see* Section 2.d.). Some of these detentions occurred indefinitely with no judicial review.

The Constitution requires judicial warrants for all arrests, except during the commission of a crime, and the law prohibits arbitrary arrest orders; the authorities generally respected these provisions in practice. By law the police must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release of the detainee within three days, unless special circumstances warrant a 2-day extension of this time limit.

Defendants brought to court before the end of the day following the commission of a charged misdemeanor offense may be tried immediately, under an “expedited procedure.” Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short period of time may inhibit defendants’ ability to present an adequate defense. Defendants may ask for a delay to provide time to prepare their defense, but the court is not obliged to grant it. The expedited procedure was used in less than 10 percent of applicable cases.

The effective legal maximum duration of pretrial detention was 18 months for felonies and 9 months for misdemeanors in practice. Defense lawyers assert that pretrial detention was exceedingly long and overused by judges. A panel of judges may grant release pending trial, with or without bail. Pretrial detainees made up 31 percent of those incarcerated, contributing to overcrowding, according to government sources. A person convicted of a misdemeanor and sentenced to 2 years’ imprisonment or less may, at the court’s discretion, pay a fine instead of being imprisoned.

The Government paid \$13,000 (5 million drachmae), as ordered by the European Court of Human Rights (ECHR) in 2001, to Mohamed Dougoz, who was held in the Drapetsona detention center and Police Headquarters for several years under inhuman conditions.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or the cases involve national security matters. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, and the rights of access to the prosecution’s evidence, to cross-examine witnesses, and to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often resulted in poor interpretation. Foreign defendants who depended on these interpreters frequently complained that they did not understand the proceedings of their trials. Also defendants often were not advised of their rights during arrest in a language that they can understand. Several complained that they were not shown the Hellenic Police Informational Bulletin, which contains prisoners’ rights in a variety of languages, and that they were forced to sign blank documents later used for their deportation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these provisions were not always respected in practice.

The Government paid \$13,000 (12,041 euros), as ordered by the ECHR in 2001, to Donald Peers, whose mail was opened by officials at the Korydallos prison where he was held for drug offenses.

The European Roma Rights Center (ERRC) reported that police conducted regular raids and searches of Romani neighborhoods for alleged criminal suspects, drugs, and weapons (*see* Section 5).

Local authorities evicted or threatened to evict Roma from camps and tent dwellings during the year (*see* Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, legal restrictions on free speech remained in force. Articles of the Penal

Code that can be used to restrict free speech and the press include Article 141, which forbids exposing to danger of disturbance the friendly relations of the Greek state with foreign states; Article 191, which prohibits spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations; or inciting citizens to rivalry and division leading to disturbance of the peace; and Article 192, which prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted in the past of violations of these articles were allowed to convert their prison sentences, up to 3 years, into a fine of approximately \$13.50 (12.50 euros) per day.

In most criminal defamation cases, the defendant typically was released on bail pending appeal, and no jail time was ever served.

The Constitution allows for seizure by order of the public prosecutor of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. However, seizures were very rare, and there were none during the year.

There were numerous independent newspapers and magazines. Satirical and opposition newspapers routinely criticized the highest state authorities. Members of ethnic, religious, and linguistic minorities freely published periodicals and other publications, often in their native language.

The Constitution provides that the state exercise "immediate control" over radio and television, and the law establishes ownership and technical frequency limits on electronic media; the Government and media outlets have disputed application procedures and frequency allocations. The law also legalizes stations operating with pending applications. The National Radio and Television Council has an advisory role in radio and television licensing, whereas the Ministry of Press and Mass Media has final authority.

In May 2001 and in March, 35 private radio stations were granted operating licenses. The cases of 15 more radio stations had not been heard by year's end. Television stations continued to operate with pending applications; there were more applicants than available frequency. In the past, the Government occasionally closed stations for violating intellectual property rights or interfering with civil aviation, military, and law enforcement transmissions, although there were no reports of such closings during the year. State-run stations tended to emphasize the Government's views but also reported objectively on other parties' programs and positions. Private radio and television stations operated independently of any government control over their reporting. Turkish-language television programs were widely available via satellite in Thrace.

Internet access was available and unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice; however, the courts continued to place legal restrictions on the names of associations involving ethnic minorities (see Section 5).

Police permits were issued routinely for public demonstrations, and there were no reports that the permit requirement was abused. Peaceful demonstrations against government policies occurred regularly in Athens and other large cities, and the protesters included students, workers, political parties, pensioners, and foreigners.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and although the Government generally respected this right, at times non-Orthodox groups faced administrative obstacles or legal restrictions on religious practice. The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion. The Orthodox Church continued to exercise significant political and economic influence. The Government, under the direction of the Ministry of Education and Religion, provided some financial support to the Orthodox Church, for example, by paying for the salaries and religious training of clergy and financing the construction and maintenance of Orthodox Church buildings.

The Government, by virtue of the Orthodox Church's status as the prevailing religion, recognizes de facto its canon law. Leaders of some non-Orthodox religious groups claimed that all taxes on religious organizations were discriminatory, even those that the Orthodox Church has to pay, because the Government subsidizes the Orthodox Church, while other groups are self-supporting. The Government also pays the salaries of the two official Muslim religious leaders ("muftis," Islamic judges and religious leaders with limited civic responsibilities) in Thrace and provides them with official vehicles.

Several religious denominations reported difficulties in dealing with the authorities on a variety of administrative matters. Privileges and legal prerogatives grant-

ed to the Greek Orthodox Church were not extended routinely to other recognized religions.

Although Jehovah's Witnesses was recognized as a "known" religion, members continued to face some harassment in the form of arbitrary identity checks, difficulties in burying their dead, and local officials' resistance to their construction of churches (which in most cases was resolved quickly and favorably).

Several religious denominations, including foreign Protestants and Mormons, reported difficulty in renewing the visas of their non-EU citizen ministers because the Government did not have a distinct religious workers' visa category. As part of the country's obligations under the Schengen Treaty and the Treaty of Amsterdam, all non-EU citizens face a more restrictive visa and residence regime than they did in the past.

Differences remained within the Muslim community and between segments of the community and the Government over the means of selection of muftis. In 1991 in accordance with the law, the Government, upon receiving recommendations from a government-selected committee of Muslims selected by the Government, appointed two muftis and one assistant mufti, all resident in Thrace, to 10-year terms. Most Muslims accepted the authority of the two officially appointed muftis; other Muslims, with support from Turkey, have "elected" two different muftis to serve their communities, although there is no established procedure or practice for election. The Government prosecuted the "elected" muftis for usurping authority, and the courts repeatedly convicted one of the elected muftis for usurping the authority of the official mufti; all of his respective sentences remained suspended pending appeal at year's end. On October 17, the ECHR ruled the Greek government had violated one of the "elected" mufti's rights under Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms by infringing on his right to worship freely.

Non-Orthodox citizens have claimed that they face career limits in the military, police, fire-fighting forces, and the civil service due to their religions.

The rate of employment of Muslims in the public sector and in state-owned industries and corporations continued to be much lower than the Muslim percentage of the population. The Government claimed and Muslims and Christians agreed that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limited the number of Muslims eligible for government jobs.

Two laws from the late 1930s require recognized or "known" religious groups to obtain house of prayer permits from the Ministry of Education and Religion to open houses of worship. By law the Ministry may base its decision to issue permits on the opinion of the local Orthodox bishop. According to ministry officials, once a "known" religion received a house of prayer permit, applications for additional houses of prayer were numerous and were approved routinely. An appeal by the Church of Scientology to obtain recognition and a house of prayer permit was pending at year's end. The non-Greek Orthodox churches must provide separate and lengthy applications to government authorities on such matters as gaining permission to move places of worship to larger facilities.

The Constitution prohibits proselytizing and stipulates that no rite of worship may disturb public order or offend moral principles. Members of missionary faiths reported that they were subject to harassment and police detention due to constitutional and legal prohibitions on proselytizing.

Religious instruction in Orthodoxy in public primary and secondary schools is mandatory for all Greek Orthodox students. Non-Orthodox students were exempt from religious instruction. Some government-approved religious textbooks made derogatory statements about non-Orthodox faiths. During the year, government officials announced and then retracted a decision to allow any student to opt out of religious instruction. Members of the Muslim community in Athens sought Islamic religious instruction for their children, but neighborhood schools offered no alternative supervision for the children during the period of religious instruction. The community complained that this forced the parents to have their children attend Orthodox religious instruction by default. In November the Council of State issued a decision forcing the Ministry of Education to lift restrictions on appointment of non-Orthodox teachers at single-class elementary schools. The Council ruled that the Ministry of Education does not have the right to request its personnel to reveal their religious beliefs.

Members of minority faiths reported incidents of societal discrimination. Officials of the Orthodox Church acknowledged that they refused to enter into dialog with religious groups considered harmful to Greek Orthodox worshippers; church leaders instructed Orthodox Greeks to shun members of these faiths.

A November report by Greek Helsinki Monitor alleged that anti-Semitism was widespread in Greece, but was “systematically denied or ignored” by most of Greek society.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

A section of the Citizenship Code, Article 20, permits the Government to strip citizenship from those who “commit acts contrary to the interests of Greece for the benefit of a foreign state.” While the law as written applies equally to all citizens regardless of ethnic background, it has been enforced, in all but one case, only against citizens who identified themselves as members of the “Macedonian” minority. The Government has not revealed the number of Article 20 cases that it pursued. There were no reports of such cases during the year. Dual citizens who were stripped of Greek citizenship under Article 20 sometimes were prevented from entering the country using the passport of their second nationality.

According to government officials, between 1955 and 1998 approximately 60,000 citizens lost their citizenship, and approximately 143 individuals, mainly Muslims in Thrace, who lost their citizenship under Article 19 of the Citizenship Code—which permitted the Government to revoke the citizenship of citizens of non-Greek ethnic origin who traveled outside the country—continued to reside in the country. Following the 1998 repeal of Article 19, the authorities issued 143 persons who lost their citizenship identification documents characterizing them as stateless but permitted them to apply to reacquire citizenship. Of 106 applications, 54 had been granted and 31 were pending as of October.

On April 17, the Government passed legislation extending temporary residence permits for immigrants who could prove they had resided in Greece before June 2000. Legislative amendments, the decentralized registration process, and improved services for applicants such as a help line run by the Ministry of Interior, made the process more successful than the Government’s first effort in 1998. Over 350,000 illegal migrants applied during this second legalization process. However, by year’s end, the Government extended all of the residence permits through June 2003 since most migrants were unable to complete the application process, which many migrants have complained were needlessly difficult.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A 1999 presidential decree significantly expanded the rights of asylum-seekers and brought the law into compliance with the standards of the U.N. High Commissioner for Refugees (UNHCR) on asylum procedures; however, in practice this legislation remained largely unenforced. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Individuals recognized as refugees under the terms of the U.N. convention are eligible for residence and work permits necessary to settle permanently. During the first 9 months of the year, 4,135 individuals submitted applications for refugee status; 26 individuals were recognized as refugees. Another 38 were granted temporary residence on humanitarian grounds until return to their countries becomes possible. The recognition rate was 1 percent during the year.

According to the Greek Council for Refugees, the Government routinely approved applications from people who arrived from “safe” countries. However, the UNHCR expressed concern that very few applicants were granted asylum without UNHCR involvement. The UNHCR also expressed concern that no publicly funded legal aid system for free counseling for asylum-seekers and refugees existed.

In June a group of domestic and international nongovernmental organizations (NGOs) published an appeal expressing concern about frequent violations of the rights of individuals who enter the country illegally, such as an absence of translators and failure of local authorities to inform individuals of their right to apply for asylum.

Anecdotal evidence has suggested that thousands of individuals from Iraq, Afghanistan, Turkey, and Iran enter the country illegally each year; only a small percentage eventually apply for official asylum or refugee status. In December at least 24 illegal immigrants, mostly Iraqi Kurds, drowned in 4 shipwrecks. In July more than 100 illegal immigrants tried to escape from a detention center in northern Greece but were recaptured. Policemen in Alexandroupoli condemned the overcrowded state of detention centers in their prefecture. In Crete 203 illegal immigrants held a hunger strike to demand asylum; they were eventually transferred to police detention centers throughout Attica. Some of those who did not apply for refugee or asylum status remained illegally, often living in camps or in NGO shelters

where conditions ranged from adequate to very poor. Others proceeded to Western Europe, often applying for asylum there. Many individuals waiting to board boats to Italy remained at the port of Patras in squalid conditions at year's end. In June 2001, Port Authority personnel reportedly abused 164 migrants who came ashore in Hania, Crete (*see* Section 1.c.). The Greek Coast Guard reported 6,864 illegal immigrants were arrested in 2001 in 370 incidents, an 87 percent increase over the previous year.

The Government generally did not seek out such individuals for deportation. The 2001 bilateral readmission agreement Greece signed with Turkey did not result in many deportations by September due to implementation difficulties. In August a Medecins du Monde delegation visited refugee/immigrant detention centers in Thrace and reported that conditions in most of the centers were "degrading."

Deportations of both illegal and legal immigrants, abusive treatment by police, and inconsistencies and inequities in the way employers provided wages and benefits to domestic and foreign workers were common. The police conducted many large-scale sweeps of neighborhoods populated by immigrants, temporarily detaining large numbers of individuals while determining their residence status. A report by Human Rights Watch in December 2000 cited severe overcrowding and a lack of sufficient exercise, sleeping accommodations, adequate food, or medical care. The Government-funded center for asylum-seekers in Lavrion was old and in need of repair.

There were no reports of the forced return of persons to a country where they feared persecution.

Official statistics indicated that approximately 500,000 of the estimated 800,000 aliens living in the country held temporary residence permits under a legalization program launched in 2001 and extended during the year. Approximately 250,000 other aliens held "green cards" from previous legalization programs that allowed residence for limited periods of time. According to press reports and immigration groups, the obstacles of a complex bureaucracy and the unwillingness of employers to pay social security contributions were the primary reasons for the limited ability of white cardholders to advance to the green card application process. Of the 750,000 aliens who had received green cards under the previous legalization opportunities, only 220,000 managed to collect all documents required and to meet all criteria for legalization by December. Legislation provides for the green card program to remain in effect until June 2003. Press reports estimated that it would take 3 years to process the applications already submitted.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Greece is a multiparty democracy headed by Prime Minister Constantine Simitis of the PASOK, who was elected in free and fair elections in September 1996 and again in April 2000. Parliament elects the President for a 5-year term. Members of the unicameral 300-seat Parliament are elected to maximum 4-year terms by secret ballot. Opposition parties function freely and have broad access to the media. Voting is mandatory for those over age 18; however, there are many conditions under which citizens may be exempted from voting, and penalties were not applied in practice.

Romani representatives reported that local authorities sometimes deprived Roma of the right to vote by refusing to register them; however, Romani representatives also reported that some municipalities encouraged Roma to register. Municipalities may refuse to register Roma who do not fulfill basic residency requirements, which many Roma have trouble meeting.

There are no legal restrictions against the participation of women in politics. There were 25 women in Parliament. There were 2 women among the 20 ministers in the Government. Women also held 2 of the 29 sub-ministerial positions. A quota system was implemented for elections to local government, requiring 30 percent of all candidates to be women.

While citizens exercised their political rights, there occasionally were charges that the state limited the right of some individuals, particularly Muslims and Slavo-Macedonians, to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity. In the 2000 parliamentary elections, a Muslim was elected in Thrace, from PASOK. A second Muslim, also from PASOK, became an M.P. in September 2000 after winning a court challenge to the eligibility of a seated M.P. for violating a constitutional provision. There were two Muslims in Parliament this year.

Responsibility for the oversight of all rights provided to the Muslim minority under the Treaty of Lausanne (including education, zoning, administration of wakfs,

and trade) belongs to a government-appointed regional administrative official, the regional governor of Eastern Macedonia and Thrace. Some minority members charged that oversight by this office rather than by elected local governors reduced their ability to use the democratic process to influence decisions that affect them. The Government stated that it made the change because the central authorities could administer the country's treaty obligations more effectively. Elected nomarchs govern at the provincial level. These officials worked in close cooperation with both elected mayors and local leaders (Christian and Muslim). Members of the Muslim community noted that this decentralization has been a positive factor in local and regional development.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without restriction in the country, investigating and publishing their findings on human rights cases. The Government permitted domestic human rights organizations to operate, but cooperation with them varied. The Government usually cooperated with international human rights groups, had good working relations with them, and when feasible, took their views into account.

In 2001 the Government ombudsman's office received 1,731 complaints in the first 8 months of the year directly related to human rights. The office has proved to be an effective means for resolving human rights and religious freedom concerns.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law irrespective of nationality, race, language, or political belief; however, government respect for these rights was inconsistent in practice.

Women.—Violence against women was a problem. The law does not specifically prohibit domestic violence. The General Secretariat for the Equality of the Sexes provided counseling and assistance to domestic violence victims. The incidence of violence against women reported to the authorities was low; however, the General Secretariat for Equality of the Sexes (GSES), an independent government agency that operated the only shelter for battered women in Athens, believed that the actual incidence is "high." According to press and academic estimates, there were approximately 4,500 cases of rape in 1999. Reportedly only 6 to 10 percent of the victims contacted the police, and only a small fraction of the cases reached trial. Conviction rates on rape charges were low for those accused for the first time, but sentences are harsh for repeat offenders. Spousal rape is not a crime.

The GSES claimed that police tended to discourage women from pursuing domestic violence charges and instead encouraged them to undertake reconciliation efforts. The GSES also claimed that the courts are lenient when dealing with domestic violence cases. GSES, in cooperation with the Ministry of Public Order, continued training courses for police personnel on how to treat domestic violence victims.

Facilities for battered women and their children often were staffed inadequately to handle cases properly, but many facilities hired new personnel during the year. Two government shelters provided services in Athens and Piraeus, including legal and psychological advice. The Secretariat operated a 24-hour emergency telephone hotline for abused women; during the summer, it conducted a campaign to publicize this service and to raise awareness of domestic violence. An interministerial committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice, serves as an information-sharing forum on women's issues.

Prostitution is legal at the age of 18. Prostitutes must register at the local prefecture and carry a medical card that is updated every two weeks. While the number of Greek women in the profession declined, according to the police and academic sources, trafficking in women for prostitution increased sharply (see Section 6.f.). It was estimated that fewer than 1,000 prostitutes were ethnic Greeks, and approximately 20,000 were of foreign origin—most in the country illegally. Most prostitutes who were arrested were foreigners who were apprehended for noncompliance with legal requirements. They were deported by plane to avoid re trafficking at land borders. Media reports implicated several police officers as participants in prostitution rings. The press alleged on a number of occasions that police accepted bribes from traffickers or pimps or forced illegal immigrants to have sex with them and then channeled them into prostitution rings (see Section 6.f.). In October the Government passed a law introducing stiffer penalties for police who facilitate trafficking (see Section 6.f.).

The law prohibits sexual harassment. Trade unions reported that lawsuits for sexual harassment were very rare: According to the unions, only four women filed such

charges in the past three years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women's section reported that sexual harassment was a widespread phenomenon but that women were discouraged from filing charges against perpetrators by family members and coworkers, since they believed they might be socially stigmatized.

The law provides for equal pay for equal work; however, according to official statistics in 2001, women's pay amounted to 76.2 percent of men's pay.

Although relatively few women occupied senior positions, women continued to enter traditionally male-dominated occupations such as the legal and medical professions in larger numbers. However, women still faced discrimination when they were considered for promotions in both the public and private sectors. Women also were underrepresented in labor unions' leadership. According to the women's section of the GSEE, 59 percent of the country's long-term unemployed were women, while women constituted only 38 percent of the work force. The GSES operated two regional employment offices for women in Thessaloniki and Patras. It also continued to provide vocational training programs for unemployed women and programs to reinforce entrepreneurship, subsidies to women for setting up an enterprise, information and counseling to unemployed women, and childcare facilities to assist unemployed women to attend training courses and look for a job.

Children.—The Government was committed strongly to children's rights and welfare; it amply funded a system of public education and health care. Education is free and compulsory through the ninth grade, but the legislation does not provide for enforcement or penalties. University education is public and free at all levels. New universities have opened in the provinces, along with new departments in already existing universities.

In 2001 the Ministry of Education reported that the illiteracy rate was dropping among Roma children: The school enrollment rate of Romani children increased by 17 percent, and the dropout rate decreased to 75 percent as a consequence of an identity card system, set up by the Ministry, which allowed students to change schools more easily as their parents moved. The Greek Helsinki Monitor and Panhellenic Federation of Greek Roma (POSER), the organization that represents the views of the Romani community, challenged this statistic. The idea of setting up satellite elementary schools near Romani camps was set aside in favor of the policy of integration (except for preschool centers). Ethnic Greek parents in some schools have resisted the acceptance of many Romani children.

Several government organizations had responsibility for children's issues. The National Organization for Social Care had a nationwide and regional network of offices and was active in the field of child protection; the regional offices provided greater access to child welfare services and funding, prioritized according to regional needs.

There was no societal pattern of abuse of children; however, research by the Institute for Child Health (ICH) revealed a high percentage of socially accepted physical punishment (i.e., spanking) by parents. No national data existed on the incidence of child abuse; authorities other than police are not required to report such cases. Societal abuse of children in the form of pornography was rare. Some NGOs reported child prostitution in some parts of central Athens.

There were reports that foreign children were forced into panhandling (*see* Section 6.c.).

Penal law prohibits the mistreatment of children and sets penalties for violators, while welfare legislation provides for preventive and treatment programs for abused children and for children deprived of a family environment; it also seeks to ensure the availability of alternative family care or institutional placement. There was a gradual decline in the number of ethnic Greek children in public care; however, children of ethnic minority groups (i.e., Albanians) who worked in Greece entered public care because of abuse or abandonment.

Children's rights advocacy groups claimed that the protection of high-risk children in state residential care centers was inadequate and of low quality. They cited lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. Athens had two municipal shelters for battered children. Child health specialists noted that the number of children in residential care facilities was decreasing, while the number in foster care was rising. With EU funding, special care was available for juvenile offenders, Romani children, children from remote mountain and island areas, and children with disabilities.

Persons with Disabilities.—Legislation mandates the hiring of persons with disabilities in public and private enterprises that employ more than 50 persons; however, the law reportedly was enforced poorly, particularly in the private sector. The law states that persons with disabilities should account for three percent of employ-

ees in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for persons with disabilities. Recent legislation mandates the hiring of persons with disabilities in the public sector from a priority list. They are exempt from the civil service exam, and some have been appointed to important positions in the civil service. There was no societal discrimination against persons with disabilities.

The Construction Code mandates physical access for persons with disabilities to private and public buildings, but this law, also, was enforced poorly. Many public buildings complied with the proposals of the interministerial committee on accessibility by year's end. Ramps and special curbs for persons with disabilities were constructed on some Athens streets and at some public buildings, and sound signals have been installed at some city street crossings. In 2001 the Ministry of Public Works installed special sound equipment for 200 traffic lights in Attika that were selected by the Association for the Blind. The Government continued to replace old city buses with new accessible buses. Athens subway lines provided full accessibility.

National/Racial/Ethnic Minorities.—An increase in xenophobia has paralleled an increase in the number of non-Greeks living and working in the country.

Anti-foreigner sentiment was directed mainly at Albanians, who made up approximately 5 percent of the population. Of the approximately 800,000 aliens in the country, approximately 500,000 were Albanians, 90 percent of whom were legalized. The Government extended a second legalization process during the year, allowing undocumented immigrants who had lived in the country for more than a year to apply for residence and work permits. While this legalization has decreased official cases of discrimination, Albanian immigrants faced widespread societal discrimination. For example, the population regularly blamed Albanians for the reported rise in crime in the last few years. The sometimes difficult relationship with Albania intensified the problem. Debate also arose over Albanian immigrants' rights to Greek national identity. For example, a controversy occurred in some areas in 2001 and during the year over whether Albanian pupils would be allowed to carry the Greek flag in national day parades; eventually they were allowed to do so.

Significant numbers of Greek citizens identify themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians. Most are integrated fully into society. The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne (see Section 2.c.), although it stated publicly in 1999 that members of that minority could identify themselves individually as belonging to different ethnic groups. Most of the Muslim minority (officially estimated to number 130,000) are ethnically Turkish or Turcophone and live in Thrace. The Muslim minority also includes Pomaks and Roma. Many Greek Muslims, including Pomaks, identified themselves as Turks and say that the Muslim minority as a whole has a Turkish cultural consciousness.

The Government has failed to acknowledge formally the existence of non-Muslim ethnic groups, principally Slavophones, under the term "minority." The Government has affirmed an individual, but not a collective, right of self-identification. As a result, some individuals who defined themselves as members of a minority found it difficult to express their identity freely and to maintain their culture. Use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loyalties, and many objected to their use by Greek citizens of Turkish origin. By year's end, an appeals court had not ruled on the closure of the "Turkish Union of Xanthi."

Northwestern Greece is home to an indeterminate number of citizens who speak a Slavic dialect at home, particularly in Florina province. Estimates ranged widely, from under 10,000 to 50,000. A small number identified themselves as belonging to a distinct ethnic group and asserted their right to "Macedonian" minority status. Their assertions have generated strong objections among the 2.2 million non-Slavophone Greek inhabitants of the northern Greek region of Macedonia, who use the same term to identify themselves. The Government does not recognize their Slavic language as "Macedonian," a language distinct from Bulgarian. Members of the minority asserted that the Government pursues a policy designed to discourage use of their language. The Government was concerned that members of the "Macedonian" minority may have separatist aspirations. The Government's dispute with the Former Yugoslav Republic of Macedonia over that country's name heightened this sensitivity.

Roma continued to face discrimination from some local authorities and society at large. An interministerial committee headed by the Ministry of Interior was responsible for coordinating government projects for Roma; it estimated the total Romani

population to be between 85,000 and 120,000. Nonofficial sources estimated the total at 250,000 to 300,000. Most of the Roma in Thrace were Muslims; elsewhere the majority were Greek Orthodox. Many Roma were settled permanently, mainly in the Athens area. Others were either mobile, working mainly as agricultural laborers, peddlers, and musicians throughout the country, or they lived in camps. The number of Roma who moved around the country continued to decrease gradually as families settled mainly into quasi-permanent settlements around major cities.

The ERRC claimed that Roma were subject to systematic police abuse (*see* Section 1.c.), mistreatment while in police custody, and regular raids and searches of Roma neighborhoods for criminal suspects, drugs, and weapons.

Since 1999 the Ministry of Interior has erected approximately 1,000 prefabricated houses for Roma. In September 2001, the Minister of Interior also announced a \$284 million (284 million euros) program to address Roma needs and to promote Roma integration, including: Housing, subsidized mortgage loans, infrastructure in Roma camps, employment schemes, cultural and sports activities, and welfare allowances.

Roma frequently faced discrimination in employment and in housing, particularly when attempting to rent accommodations. The approximately 400 Roma families in Tyrnavos, Thessaly, lived in tents because the authorities refused to include the area in city planning. There were approximately 70 Romani camps with a total population between 100,000 and 120,000 persons. Most Romani camps have no running water, electricity, garbage disposal, or sewage treatment. The Roma of Tyrnavos, Thessaly, attempted to build their own lavatories to improve their living conditions, but local authorities pulled them down and imposed fines for violating construction codes.

Local authorities harassed and threatened to evict Roma from their camps or other dwellings, and the NGO Greek Helsinki Monitor reported that many communities of Romani tent-dwellers were evicted in Thessaloniki in early September and in Aspropyrgos, Athens, in July.

Romani representatives reported that some local authorities have refused to register Roma as residents in their municipalities. Until registered with a municipality, no citizen can vote or exercise other civil rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security.

The Government considered the Roma a "socially excluded" or "sensitive" group, not a "minority." As a result, government policy was to encourage the integration of Roma. The Prime Minister designated a member of his staff to coordinate the efforts of all government ministries having a role in their integration, and the Ministry of Interior established an interministerial committee in March 2001 with the same aim. Nevertheless poverty, illiteracy, and prejudice continued to affect large parts of the Romani population; these problems were most severe among migrant Roma or those who lived in quasi-permanent settlements. The illiteracy rate among Roma was estimated at 80 percent, and according to an NGO, the average Roma family's income was approximately \$205 (190 euros) per month. The research also concluded that the average life expectancy of Roma was below 60 years of age.

The integration of Roma into social security systems also was quite low. It was estimated that 90 percent of Roma were not insured by the public social security systems, since they were unable to make the required contributions. Like other qualified citizens, indigent Roma were entitled to free health care; however, their access at times was hindered by the fact that their encampments were located far from public health facilities.

The Ministry of Health and Welfare continued work on projects to address the chronic problems of the Roma community. The projects included training courses for civil servants, policemen, and teachers to "increase sensitivity to the problems of the Roma," the development of teaching materials for Roma children, and the establishment of six youth centers in areas close to Roma communities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of association, and workers exercised this right. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike. Approximately 26 percent of wage earners (nearly 650,000 persons) were organized in unions. Unions received most of their funding from a Ministry of Labor organization, the Workers' Hearth, which distributes mandatory contributions from employees and employers. Workers, employers, and the state were represented in equal numbers on the board of directors of the Workers' Hearth. Approximately ten public sector unions had dues withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions were grouped into regional and sectoral federations and two umbrella confederations; one for civil servants (ADEDY), and another, the General

Confederation of Greek Workers (GSEE), for private sector employees and employees of state enterprises. Unions were highly politicized, and there were party-affiliated factions within the labor confederations; however, neither political parties nor the Government controlled day-to-day operations. There are no restrictions on who may serve as a union official.

Antiunion discrimination is prohibited. The Labor Inspectorate or a court investigates complaints of discrimination against union members or organizers. Court rulings have mandated the reinstatement of improperly fired union members.

Unions are free to join international associations and maintain a variety of international affiliations, and almost all did so.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively in the private sector and in public corporations, and unions exercised these rights freely. There are no restrictions on collective bargaining for private sector employees.

Civil servants have the right to organize and bargain collectively with the Ministry of Public Administration.

The law provides for mediation procedures, with compulsory arbitration as a last resort. A National Mediation, Reconciliation, and Arbitration Organization is used in the private sector and public corporations (the military and civil service excluded). While mediation is voluntary, failure to agree during mediation makes arbitration compulsory, as decided by the mediation organization.

Legal restrictions on strikes include a mandatory period of notice, which was 4 days for public utilities and 24 hours for the private sector. Legislation mandates a skeleton staff during strikes affecting public services, such as electricity, transportation, communications, and banking. Public utility companies, state-owned banks, the postal service, Olympic Airways, and the railroads also are required to maintain a skeleton staff during strikes. The courts have the power to declare strikes illegal, although such decisions seldom were enforced. However, unions complained that this judicial power served as a deterrent to some of their members from participating in strikes. The courts declared some strikes illegal during the year for reasons such as failure of the union to give adequate advance notice of the strike or the addition of demands by the union during the course of the strike. No striking workers were prosecuted.

Many strikes took place during the year. Although most strikes were fairly brief, they affected productivity and disrupted daily life in the center of Athens. Strikes by public sector employees, including mass transport employees, lasted between 1 and 5 days and primarily concerned securing timely pay increases and greater job security.

Three free trade zones operated according to EU regulations. The labor laws apply equally in these zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor. The Government may declare the “civil mobilization” of workers in the event of danger to national security, life, property, or the social and economic life of the country. The International Labor Organization (ILO) Committee of Experts has criticized this power as tantamount to forced labor. In July the Government used civil mobilization to break a seaman’s strike which was posing a serious economic hardship to inhabitants of Greek islands.

The Constitution prohibits forced or bonded labor by children; however, some parents forced their children to beg for money or food. During the year, the number of street children who panhandled or peddled at city intersections on behalf of adult family members or for criminal gangs decreased. However, it was believed widely that even those who were deported managed to return eventually to the country and the streets. The Greek chapter of UNICEF estimated that 5,800 children were illegally employed in the streets of the country in jobs from windshield washing to prostitution. The head of Greek UNICEF believed they generate nearly \$3 million (2.8 million euros) in revenue yearly. The Government and NGOs agreed that the majority of beggars are either Roma or Albanian. Since 2000 many children who are beggars have disappeared from the streets. Local NGOs reported that they were driven to restaurants and busy shopping areas to beg for money.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment in the industrial sector is 15 years, with higher limits for certain activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits were enforced by occasional Labor Inspectorate spot checks and generally were observed; however, families engaged in agriculture, food service, and merchandising often had younger family members assisting them, at least part time.

The Constitution contains a blanket prohibition of forced or bonded labor by children; however, there were reports of such practices among Romani children (see Section 6.c.).

e. Acceptable Conditions of Work.—Collective bargaining between the GSEE and the Employers' Association determines a nationwide minimum wage. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of \$21 (19 euros) daily and \$472 (437 euros) monthly, effective July 1, provided a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37½ in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of one month per year, and sets limits on overtime.

Legislation provides for minimum standards of occupational health and safety. Although the GSEE characterized health and safety legislation as satisfactory, it stated that enforcement, which is the responsibility of the Labor Inspectorate, was inadequate. The Labor Inspectorate operates under a central authority. Workers do not have the legal right to remove themselves from situations that they believe endanger their health; however, they do have the right to lodge a confidential complaint with the Labor Inspectorate. Inspectors have the right to close down machinery or a process for a period of up to five days if they see safety or health hazards that they believe represent an imminent danger to the workers.

Foreign workers are protected by law, but in practice their wages were lower, and they worked longer hours.

f. Trafficking in Persons.—An October law criminalizes trafficking in persons. The country was both a transit point and destination for trafficked women and children, primarily for sexual exploitation. Local police corruption facilitated trafficking in the country.

In October the Government adopted a new anti-trafficking law which made trafficking a specific criminal offense, imposed harsh penalties on traffickers, and called for shelters and medical assistance for victims of trafficking. The law calls for traffickers to be punished with up to 10 years of incarceration and fines of \$10,000 to \$50,000 (9,263 to 46,313 euros). There were harsher penalties for child traffickers. The law was still being implemented at year's end.

On December 19, police arrested eight people who they alleged were involved in the trafficking of women from the former Soviet Union, in a nine-club sweep over various parts of the country. These women, according to police officials, were lured to the country under false pretenses, and forced to work in strip clubs in the southern part of Greece.

Since October there were 62 arrests of traffickers. On September 20, Attika police announced a raid on a bar in Nikaia, Piraeus, where they found ten young women from Latvia and Russia without work permits. Police discovered handcuffs, pepper spray, and electroshock devices. The raid revealed a network that was forcing women to work in the bar for 6 months in order to pay off a \$3,000 (2,778 euros) fee for smuggling them into the country. In the first week of October, police arrested four Greeks who were trafficking young women from Moldova, Serbia, and Bulgaria by promising them work in Greece as waitresses.

On March 28, law enforcement officials and the NGO community attended a seminar to discuss trafficking of women and children. The Ministry of Public Order also took initiatives for training new police officers to identify trafficked women and children. Trafficking experts conducted this training at local police academies. The Government began stiffening its border controls, in part because of European Union Schengen Treaty requirements; however, many women and children continued to be brought into the country from the Balkans and the former Soviet Union. In April 2001, an interministerial committee was formed with the objective of establishing a separate police task force on trafficking, drafting national legislation, and promoting a nationwide anti-trafficking campaign.

Trafficking in women and children for prostitution in the country increased sharply in the last few years. An academic observer estimated that approximately 40,000 women and children, most between the ages of 12 and 25, are trafficked to the country each year for prostitution. At any given time, 16,000 to 20,000 trafficked women or girls were in the country, according to unofficial estimates, although authorities estimated the number of trafficked women and children was much lower. Major countries of origin include Ukraine, Russia, Bulgaria, Albania, and Romania. Women from Asia, specifically Thailand and the Philippines, the Dominican Republic, Moldova, Kazakhstan, Serbia, and the Middle East also were trafficked to the country.

There were reports that some Albanian parents "sold" or "rented" their children to traffickers in exchange for a monthly income. There were unconfirmed reports

that some foreign children were forced into panhandling. There were reports that teenage boys worked as prostitutes in Athens.

According to a Panteion University study, over 85,000 trafficked women and children have worked in the country in the past decade. Some women and children arrived as "tourists" or illegal immigrants; seeking work, they were lured into prostitution by club owners who threatened them with deportation. Some women and children were kidnaped from their homes by Greek traffickers, and smuggled into the country where they were "sold" to local procurers. There were reports that some victims of this practice were minors. Trafficked women and children often were confined to apartments, hotels, and clubs against their will, were not registered with the Government, and were forced to surrender their passports to their local "owner." Frequently, connections existed between illegal prostitution and other criminal activities. According to NGO observers, traffickers "owned" approximately 80 percent of the illegal prostitutes in Greece.

Local police corruption also played a role in facilitating trafficking into the country. NGOs reported that some police officers were on the payrolls of organized crime networks involved in trafficking. In 2001 a number of police officers were arrested in connection with trafficking offenses. Most arrests were in small towns, villages, and border areas.

In the past, foreign women illegally in the country who were apprehended by the authorities for prostitution were placed in a deportation center or deported immediately by train, plane, or on foot. Laws were passed in 2001 that increased protection for women who press charges against their traffickers by allowing them to remain in the country legally and setting aside any previous convictions.

A number of domestic NGOs worked on trafficking issues during the year. A group of NGOs created a coalition known as the "Stop Now" group which created public service announcements to raise awareness of trafficking issues.

HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Peter Medgyessy led a coalition government formed by the Hungarian Socialist Party and the Alliance of Free Democrats after multiparty elections in April. The judiciary is independent.

The internal and external civilian security services reported directly to a State Secretary in the Prime Minister's Office, and the police reported to the Interior Minister. Civilian authorities maintained effective control of the security forces, and the Government investigated and charged police for human rights violations. Some police committed human rights abuses during the year.

Most international organizations and financial institutions agreed that the country completed successfully its transition from a centrally directed economy to a fully functioning market economy. The country's population was approximately 10.1 million. The private sector accounted for more than 80 percent of gross domestic product (GDP). The Socialist government maintained a strong commitment to a market economy, but has done little to address remaining problems in agriculture, health care, tax reform, and the energy market. Despite 6 years of strong economic growth, an estimated 25 percent of the population lived in poverty, with the elderly, large families, and the Roma most affected. The Finance Ministry estimated the per capita GDP at \$6,800 for the year. The economy was expected to grow by approximately 3.4 percent; inflation continued to decline to 5.5 percent; and unemployment remained below 6 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that some police used excessive force, beat, and harassed suspects, particularly Roma. In practice authorities may impose lengthy pretrial detention on suspects. Some local officials attempted to evict Roma from their homes and relocated them to other cities. There were allegations of government interference in editorial and personnel decisions of state-owned media. The Government continued to implement legislation on refugee issues and established seven regional centers to administer refugee processing. Violence against women and children remained serious problems. Sexual discrimination in employment also continued to be a problem. Anti-Semitic and racial discrimination persisted and a number of racially motivated attacks, particularly against Roma, occurred during the year. Societal discrimination against Roma was a serious problem. Trafficking in women and children for the purposes of prostitution and in men for forced labor remained a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. Hungary was invited by the Community of Democracies' (CD) Convening

Group to attend the November 2002 second Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Six cases of persons charged with crimes against humanity for incidents during the 1956 revolution remained pending at year's end; two before the Supreme Court. The defendants were accused of shooting into demonstrations with machine gun fire and using hand grenades. In 1993 the Government charged the defendants with murder, but they were acquitted because the statute of limitations for murder had passed. The Supreme Court overturned the finding of the lower court, and in 1999 stated that the defendants could be charged with war crimes, which have no time limit. By year's end, twelve defendants had been convicted.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, the police occasionally used excessive force, beat and harassed suspects, particularly Roma.

During the year, the National Police confirmed that it had conducted investigations into 11 cases of forced questioning and six cases of unlawful detention. The police referred 14 of these cases to the Office of the Prosecutor to commence judicial proceedings. In the first half of the year, authorities investigated 67 cases of suspected abuse by police involving 55 police officers. The majority of cases occurred during interrogations. A total of 47 incidents resulted in court cases, with 28 guilty verdicts. The Government more actively pursued allegations of police abuse compared with previous years. According to the Ministry of Interior, approximately half of the court cases involved abuse against Roma. Punishments for abuses committed by police included fines, probation, prison sentences, and dismissal. Some attributed the increase in the number of reports of police abuse to an increased willingness to seek official redress.

In January Pest County dropped charges against thirteen officers in a 2001 incident in the village of Bag, citing a lack of evidence. Police were accused of assaulting several Roma during a raid on a funeral wake.

In 2001 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reported that minors, dark-skinned foreign nationals, and Roma were at highest risk of verbal and physical abuse by police; Roma bore the brunt of such abuse. There were occasional reports that police punched, kicked, and struck persons with truncheons while in police custody. The CPT found verbal abuse committed by police against detainees to be common. The Government conducted investigations in some cases and brought charges against individual police officers. In March the European Roma Rights Center reported that charges were brought against five border guards for abuse of authority and causing bodily harm to two Roma men in a 2001 incident in Beremend on the border with Croatia. The complaint alleged the border guards beat them and used racial insults while the Roma were handcuffed to a radiator at a local police station. Police officials did not intervene to stop the actions of the border guards.

Local NGOs estimated the number of actual incidents of abuse by police to be greater than official statistics indicated. The CPT report identified a practice whereby some police advised detainees who wished to file a complaint that to defame a police officer was a criminal offense. This practice discouraged some individuals from lodging complaints. During the year, the Government Office of Ethnic Minorities received regular complaints from Roma of police abuse and misconduct. Despite increased investigations into allegations of police abuse, the Minority Affairs Ombudsman, who investigated constitutional violations in the public sector, believed that the situation remained constant and possibly was marginally better.

NGOs reported fewer cases of police harassment of foreign residents, particularly of non-Europeans; however, police continued to show indifference toward foreigners who were victims of street crime. Social discrimination against dark-skinned foreigners persisted. In July a Native American was denied admission to a restaurant in Budapest; the owner stated that the restaurant did not serve Roma. The municipal government fined the restaurant for discrimination. Also in Budapest, youths identified as skinheads beat an African man in an attack authorities classified as racially motivated.

In July a police officer allegedly beat a protestor in detention (*see* Section 2.b.).

Border guards facilitated trafficking in persons by taking bribes from traffickers (*see* Section 6.f.).

The police and Interior Ministry continued to work to improve the image of the police, and human rights organizations reported that police generally were more cooperative than in previous years with outside monitoring of their behavior.

The Hungarian Helsinki Committee (HHC) reported that prisons were overcrowded but generally met international standards. Their 2001 study stated that 5 percent of inmates in one detention facility had alleged mistreatment by prison guards, which included 49 cases of minor physical assault. The Military Prosecutor's Office, which has responsibility for such cases, declined to conduct an investigation and determined that no mistreatment had occurred. As of September, the prison and detention centers' population was 18,106 persons or 160 percent of capacity—an increase of 16.5 percent since 2000. Tougher maximum sentences contributed to the increase.

An estimated 63 percent of prisoners earned wages while in prison, either from work in prison or from work-release programs. The HHC reported that prisoners' wages were lower than those of non-prisoners, and also expressed concern that the period of time prisoners worked in custody did not count toward social security service time. Some programs allowed prisoners to spend weekends at home; there were sports facilities, radio and television, and libraries available in each penal institution. Prisoners could also attend training programs to assist in their eventual return to life outside of prison. Civic- and state-operated organizations, private foundations, charities, and churches assisted in the rehabilitation process.

There were no reports of deaths in custody resulting from official negligence or abuse.

The Government continued to expand the number of detention facilities, and a new prison was scheduled to open in 2003. Men and women were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted prisoners.

The Government permitted visits by independent human rights monitors, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The law requires that police obtain warrants to place an individual under arrest. Police must inform suspects upon arrest of the charges against them, but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings, and that the authorities provide counsel for juveniles, the indigent, and persons with mental disabilities; however, credible reports suggested that that police did not always allow access to counsel, particularly for persons accused of minor crimes. There was no system of bail; however, a law allows some foreigners to make a financial deposit to the courts allowing them to reside abroad during their court case. This provision of the law was used infrequently. The lack of a bail system gives a great deal of discretionary authority to judges.

Pretrial detention, based on a warrant issued by a judge, initially is limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion, provided that a judge concurs. The Government may detain individuals in pretrial detention only after charges are brought. Not all suspects were remanded to detention centers pending trial. The law stipulates that authorities can request pretrial detention in cases when it is likely the suspect will flee, when the gravity of the charges warrant detention, and when the release of the suspect would endanger the investigation.

The Prosecutor General's Office reported that the average length of pretrial detention during the first 6 months of the year was 116 days, compared with 108 days in 2001, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. Aliens usually were held until their trials, since they were considered likely to flee the country. Roma alleged that they were kept in pretrial detention longer and more frequently than non-Roma (*see* Section 1.e.). The law provides for compensation if a detainee or victim of forced medical treatment is released for lack of evidence, but the procedure rarely was exercised, since detainees must undertake a complicated legal procedure to pursue such claims. The Minister of Justice, on behalf of the State, decides upon compensation. The amount is decided on a case by case basis, and may cover the costs of the trial, attorney's fees, lost wages, and some miscellaneous sums.

The law permits police to hold suspects in public security detention (PSD) under certain circumstances, including when a suspect has no identity papers, when blood or urine tests must be performed to determine blood alcohol content, or when a suspect continues to commit a misdemeanor offense in spite of a prior warning. Sus-

pects may be held in PSD for up to 24 hours. Such detainees were not always informed of the charges against them, because such periods of “short” detention were not defined as “criminal detention” and therefore were not considered covered by the Criminal Code. However, there were no reports that police abused these rights in practice.

The law does not provide for forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. There were three levels of courts. Original jurisdiction in most matters rested with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which had original jurisdiction in other matters. The Supreme Court was the final court of appeal, while the Constitutional Court was the final court on constitutional matters. Appeals of decisions by military courts also may be heard by the Supreme Court.

The Constitutional Court was charged with reviewing the constitutionality of laws and statutes brought before it, as well as the compliance of these laws with international treaties that the Government has ratified. Parliament elected the 11 members of the Constitutional Court, who serve 9-year terms. In theory a judge’s mandate may be renewed, but no judge has been reelected. The judges elect the president of the Constitutional Court among themselves by secret ballot. Citizens may appeal to the Constitutional Court directly if they believe that their constitutional rights were violated. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the Court to render a decision. Consequently a considerable backlog of cases has developed. No judge or member of the Supreme or Constitutional Courts may belong to a political party or trade union. Members of the Constitutional and Supreme Courts also may not be members of Parliament, or be employed in local government. The compulsory retirement age for Constitutional Court judges is 70 years.

A National Judicial Council nominated judicial appointees other than the Constitutional Court and oversaw the judicial budget process.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, but in some cases, judges may agree to a closed trial to protect the accused or the victim of a crime, such as in some cases of rape. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants were entitled to counsel during all phases of criminal proceedings and were presumed innocent until proven guilty. Counsel was appointed for indigent clients, but the public defender system generally provided substandard service. There was no public defender’s office; private attorneys may or may not choose to serve in this capacity. Public defenders were paid poorly—less than \$4.00 (1,000 HUF) for the first hour of the trial and less than \$2.00 (500 HUF) for each additional hour—and did not give indigent defendants priority. Lawyers often met indigent clients for the first time at trial.

Judicial proceedings varied in length and delays of several months to a year were common before the commencement of trials. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. There is no jury system; judges are the final arbiters. Recent changes to the law, which are scheduled to take effect in 2003, would limit the length of judicial proceedings to 3 years. Under the new Law, prosecutors are to have greater influence over their cases. Plea-bargaining, which was known as a trial waiver, was a tool available to prosecutors. Police believed that plea-bargaining may be an important weapon in the fight against organized crime.

Many human rights and Romani organizations claimed that Roma received less than equal treatment in the judicial process. Specifically they alleged that Roma were kept in pretrial detention more often and for longer periods than non-Roma. This allegation was credible in light of general discrimination against Roma; however, there was no statistical evidence since identifying the ethnicity of offenders is not allowed under the data protection law. Since the majority of Roma were among the lowest economic strata, they also suffered from substandard legal representation.

Military trials followed civil law and may be closed if national security or moral grounds so justified. In all cases, sentencing must take place publicly. The law did not provide for the trial of civilians in military courts.

A Victims’ Protection Office operated in each county to provide psychological, medical and social services to victims of crime. At the conclusion of judicial proceedings, victims may apply through the National Public Security and Crime Prevention Public Foundation for financial compensation, which was to be paid by the person con-

victed of the crime. The White Ring Nonprofit Association, which was a member of the European Victims' Protection Forum, supported the work of the Victims' Protection Offices. A book on victim protection, used to train police officers and activists, also contained a list of all NGOs that provided protection to victims of crime. In December 2001, Parliament enacted legislation that expanded legal protection of persons involved in court cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions and the Government generally respected these prohibitions in practice. The law provides that the prosecutor's office may issue search warrants. Police must carry out searches of private residences in the presence of two witnesses and must prepare a written inventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations requires a court's permission. These provisions appeared to be observed in practice.

According to NGOs, during the year, there were several instances of evictions of Roma. In Budapest in February, security guards entered the home of a Roma family without prior notification, which is required, and began to demolish their residence. The family had resided there for 5 years, and had begun legal proceedings to purchase it. As a result of the security guards' action, the adult members of the family were made homeless and three minors were placed in state custody. The Roma Civic Rights Foundation and other NGOs visited and reported on cases of forced eviction, and urged local governments to provide temporary shelters. Several municipal governments began construction of public housing for low-income residents during the year.

In September local government officials in the village of Paks condemned and subsequently demolished housing occupied by Roma. The Paks municipal authorities provided replacement housing in neighboring villages; however, the mayor of Nemetek, one the neighboring towns, then refused to allow the Roma families to reside there. Authorities have taken advantage of situations such as the eviction for nonpayment of bills or condemnation of Roma homes to relocate and concentrate Roma populations, in effect creating segregated communities (see Sections 1.d. and 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the current and previous governments were criticized by opposition parties for influencing editorial and personnel decisions of state-owned media. Individuals may criticize the Government publicly or privately without reprisal, and did so in practice.

Numerous privately owned print publications expressing a variety of views were available to the public. The Government generally did not interfere with the operation of private news media. However, there were allegations that the Government regularly limited access to government officials by journalists and editors of a newspaper that had published reports critical of the Government, as well as an investigatory article on the Prime Minister.

There were several state-owned radio and television stations; the audience for private news outlets significantly exceeded that for state-owned broadcasters. The current government's interference in state-owned media remained a concern. The previous government attempted to "balance" news coverage through personnel decisions and appointments to the public media oversight board. For the first 6 months of the year, the oversight board functioned without proportional political representation that the law requires. Opposition political parties were traditionally critical of the pro-government news coverage in state-owned media. The current government pursued a similar form of manipulation of the state-owned media through personnel decisions.

There were minority-language print media, and the state-run radio broadcast 2 hours of daily programs in languages of the major minority groups: Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carried a 26-minute program produced by and for each major minority group; programs serving the smaller minority communities were seen every other week or on a monthly basis. All of the programs were repeated on the weekends. In October Radio C, a nonprofit station sponsored by public foundations that began broadcasting in February, was granted a 7-year license; 80 percent of its staff were Roma.

The Media Law created institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio boards and was intended to insulate the remaining public service

media from government control. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties, and censured and fined public and private broadcasters. During the year, the Parliament amended the Media Law to conform to European Union standards.

Internet access was unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

There essentially were no restrictions on peaceful public gatherings. The Government did not require permits for assembly, except when a public gathering was to take place near sensitive installations, such as military facilities, embassies, or key government buildings. The Government may alter or revoke permits for assembly, but there were no reports that they used this authority during the year.

On July 4, right-wing groups opposed to the election results staged several protests in Budapest, including one in front of the Parliament in which protestors confronted the police. At a separate rally, several hundred demonstrators blocked vehicle traffic over a central bridge. The police dispersed these demonstrations and reported that organizers had not obtained the necessary permits or had understated the size of the assembly. One court case of alleged police abuse in which a protestor claimed a police official struck him after he was detained was pending at year's end.

Ten or more persons may form an association, if it does not commit criminal offenses or interfere with the rights of others. Associations with charters and elected officers must register with the courts. Registration of associations was granted routinely and without bias.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There were 136 officially recognized religions. A group must provide 100 signatures to register as a religion, which it may do in any local court. While any group was free to practice its faith, formal registration made available to religious groups certain protections and privileges, and granted access to several forms of state funding. During the year, the Government elevated religious affairs to the Office of the Prime Minister from its previous location in the Ministry of Cultural Heritage, and assigned a State Secretary to oversee church issues.

There was no state religion; however, there are four historically recognized religions: Roman Catholic, Calvinist, Lutheran, and Jewish. Not all religions received state support. The Government has provided subsidies to some religious groups each year, and taxpayers may contribute 1 percent of their net tax payments to a registered religious body. During the year, the Government provided subsidies to 100 religious groups, compared with 90 in 2001.

The Government treated the larger, better-established religions more favorably than minority religious communities. In 2000 Parliament amended the tax code and set criteria under which direct contributions to churches were tax deductible; these criteria limited the benefit to 23 of the 136 registered churches.

In 2000 the Hungarian Tax Authority (ÁPEH) initiated investigations of the Church of Scientology, based on questions regarding the registration of its clergy. The APEH concluded its investigation early this year and determined that the Church of Scientology had not violated tax regulations.

During the year, the Government paid churches \$25 million (6.25 billion HUF) in compensation for assets confiscated during the Communist regime. By 2011 the Government is expected to pay an estimated \$168 million (42 billion HUF), adjusted annually for inflation, to religious groups for buildings that are not returned.

Representatives of the Jewish community expressed concern over anti-Semitism in some media outlets, in society, and in coded political speech. The previous government was criticized for not taking a public stand against anti-Semitic statements. An increase in anti-Semitic activity coincided with the April elections for Parliament and included the defacement of some left-wing campaign billboards with anti-Semitic graffiti. The Hungarian Justice and Life Party (MIÉP), the extreme rightwing party known for its anti-Semitic statements, failed to qualify for representation in Parliament because it did not obtain 5 percent of the vote.

The Council of Europe's Commission Against Racism and Intolerance criticized the anti-Semitism in some media, in Parliament, and in society. NGOs noted an increase in coded anti-Semitic speech in right-wing political dialogue that coincided with the elections for parliament. On August 20, a Catholic bishop speaking at a celebration of Saint Stephen's Day made derogatory statements using an oblique reference understood to mean Jews.

According to police reports, there were 200 cases of persons vandalizing grave-stones and cemeteries during the year. There was no data on which churches the cemeteries belonged to. The Jewish Community (MAZSIHISZ) claimed that there were fewer acts of vandalism in Jewish cemeteries than in 2001, and most of the cases were committed by youths; the MAZSIHISZ did not consider these incidents anti-Semitic actions.

In one instance, the municipal government of Forro allowed the destruction of an unregistered Jewish cemetery in contravention of customary practice for Jewish cemeteries and without notification of the national government or Jewish organizations. MASZIHISZ contends that the actions of the Forro administration violate the law concerning preservation of cemeteries. The cemetery contained graves of the Jewish community that resided in Forro before its deportation in World War II. The destruction took place to permit the construction of private homes. Construction workers discarded gravestones and some caskets in an adjacent dump. The municipal government of Forro contended that as an unregistered cemetery there were no legal provisions barring the use of the land.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. However, some local authorities tried to expel Roma from towns. There were reports that local government officials in the village of Paks demolished housing occupied by Roma and provided replacement housing in neighboring villages. This resulted in allegations that the local government deliberately sought to resettle Roma outside its boundaries (*see* Section 1.f.).

The Government may delay but may not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with approximately \$40,000 (over 10 million HUF) or more in public debt may be denied travel documents. The Government did not impose an exit visa requirement on its citizens or on foreigners.

Discrimination, poverty, and unresolved social problems continued to drive Roma emigration, particularly to Canada and EU member states. In January the Government of Canada reintroduced a visa requirement for citizens of Hungary to stem frivolous asylum claims (*see* Section 5).

In January the Status Law took effect, which provided certain social, educational, and economic benefits to ethnic Hungarians living in neighboring countries, with the exception of Austria. Under this law, ethnic Hungarians living abroad could qualify for temporary work permits and the Government would promote Hungarian minority education in neighboring states. The new government proposed amendments to the Status Law to respond to regional criticism of the extraterritorial effects of the law. During the year, the Government reached agreement with Romania on implementation of the Status Law.

The law on asylum and refugees provides for the granting of such status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. The Government provided first asylum. During the first 8 months of the year, UNHCR reported that approximately 4,411 asylum seekers entered the country—a decrease from previous years—of whom 1,499 were from Afghanistan and 1,287 from Iraq. In 2001 the Government granted 174 applicants refugee status under the Geneva Convention; 297 applicants were granted temporary protected status. The primary countries of origin for refugee and asylum seekers were Afghanistan, Iraq, Bangladesh, Sri Lanka, and Pakistan. Political changes in the former Yugoslavia resulted in a decrease in the number of asylum seekers. The Government Office of Immigration and Nationality (OIN) (formerly the Office of Migration and Refugee Affairs) is the central authority for asylum and immigration matters.

Asylum applicants were housed in three government-owned camps and two temporary camps run by NGOs. The camps have been in operation since the early 1990s, largely because of the influx of refugees fleeing various regional conflicts. In 2001 the Government estimated that there were approximately 5,000 asylum seekers and as many as 40,000 to 60,000 immigrants living in the country illegally; however, the local office of the UNHCR believed that these figures were too high.

In October 2001, Parliament passed amendments to the Laws on Asylum and on Aliens aimed at streamlining and simplifying the court process for asylum; the amendments took effect during the year. As a result of the amendments and subsequent restructuring of the Office of Immigration and Nationality, the Ministry of Interior established seven regional offices to process asylum requests. The OIN also assumed some responsibilities previously granted to the Border Police, including ad-

ministration of reception centers. Prospective refugees who sought only to transit to other European countries were encouraged to return to their countries of origin. At the end of the year, there were approximately 1,224 asylum seekers located in three permanent and one temporary reception centers. Another temporary reception center closed during the year. For aliens requiring greater monitoring in a more restrictive environment, the OIN operated three different shelters it called community shelters. Aliens housed in the reception centers enjoyed fewer restrictions of freedom of movement than those in community shelters did. Several NGOs and human rights organizations supported asylum seekers and provided legal information.

Foreigners caught trying to cross the border illegally either may apply for refugee status if they have valid travel documents, or are housed temporarily at one of eight border guard facilities throughout the country, pending deportation. During the first 9 months of the year, 8,451 persons occupied these facilities. On average there were 313 persons in the facilities per day. In 2001 the greatest number of aliens in the border guard facilities came from Romania (3,638), Moldova (1,098) and Afghanistan (732). While police sought the timely deportation of detainees who did not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often resulted in lengthy stays. NGOs criticized indefinite detention of stateless and some undocumented foreigners by the Government pending resolution of their cases. There were no reports of abuse during deportation. NGOs and foreign governments continued to criticize the Government for inhumane conditions in the border guard facilities and for the arbitrary application of asylum procedures. The restructuring of the OIN, the transfer of some asylum adjudication procedures from the Border Police and the establishment of OIN reception facilities were efforts to redress the situation. The Government has sought to work with NGOs to improve conditions.

There were no reports of the forced return of persons to a country where they feared persecution during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Elections are held at least every 4 years. Elections for Members of Parliament took place in April, and municipal elections were held in October.

Members of Parliament are elected every 4 years through a complex, multi-stage process, in which voters cast ballots for individual candidates and party lists. In May the Socialist Party and the Alliance of Free Democrats established a post-election coalition, which gave the two parties a 10-member majority in Parliament. The Socialist Party was the senior coalition member and nominated Peter Medgyessy as Prime Minister. The FIDESZ-Hungarian Civic Party and the Hungarian Democratic Forum (MDF) represented the opposition faction in Parliament. MIEP as well as the Smallholders' Party did not obtain the necessary 5 percent vote threshold to make it into Parliament. The law on ethnic minorities and the election law provide for the establishment of minority self-governments (*see* Section 5).

There were no legal impediments to women's participation in politics or government. However, only 35 of 386 parliamentary representatives were women. Three women served in the Cabinet and several women were State Secretaries and Deputy State Secretaries. Few women occupied other leadership positions in the Government or political parties. However, a woman was the head of the Hungarian Democratic Forum, one of four parties represented in Parliament, and the Speaker of Parliament was a woman from the Socialist Party. The level of women's political participation was greater in provincial and municipal governments than at the national level. The Hungarian Women's Alliance held weekend courses throughout the year to promote the participation of women in public life.

Despite the lack of ensured minority representation, there were several Members of Parliament, including ethnic Germans and ethnic Slovaks, who were members of ethnic minorities; however, none specifically represented their respective minority group. The number of Romani Members of Parliament increased after the April elections. There were four Roma Members of Parliament, three from FIDESZ, and one from the Socialist Party.

The law provides for the establishment of local minority self-governments as a necessary precondition for the enforcement of the rights of ethnic minorities. With some funding from the central budget and some logistical support from local governments, local minority self-governments sought to influence and oversee matters affecting minorities, particularly in the fields of education and culture. Local minority self-government elections, in conjunction with local government elections, have been

held since 1994. Any of the 13 minorities can set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements.

Since ethnicity was not registered officially, voting on minority self-governments was not limited to the minorities themselves; all the voters received a minority ballot in addition to the local government ballot. The elected local minority self-governments could elect their national minority self-governments; all 13 minorities have formed national self-governments. Several Roma self-governments formed regional groupings to facilitate cooperation. Minority self-government has been criticized mainly on two grounds. First, several minority representatives have objected to the fact that members of the majority can vote for minority candidates and thus influence minority politics; second, critics called for an increase in the competence of the minority self-governments and considerably more financial resources for them.

There were cases of non-minority candidates being elected to minority self-governments in this year's elections. In Jaszladany, where tensions between Roma and non-Roma were strained, the participation of members of the majority in the Roma minority self-government elections resulted in four non-Roma being elected to the five-member body. Roma rights observers viewed this move as a deliberate attempt to undermine the local Roma community. The Minister of Justice and the State Secretary for Roma Affairs criticized the election outcome. According to government officials, since the law does not proscribe who may be a candidate or vote in minority self-government elections, there were no grounds to challenge the result.

Roma mayors headed four municipal governments and 544 Roma sat on local and county government assemblies.

In October there were 1,004 Roma minority self-governments elected in the local minority elections, an increase over the 770 elected self-governments in the minority elections held in 1998. Of those elected in 1998, a number of self-governments ceased functioning due to a lack of resources, knowledge, and leadership. Following the October municipal elections, minority self-governments were established in 1,317 settlements, bringing the total number of active self-governments to 1,811. The Roma minority poses a special challenge for the system of national minority self-governments. In contrast to other minorities for whom the preservation of their identity and culture was the basic goal, the Roma also had to contend with the fact that they generally belonged to the lowest socio-economic strata of society. Both ethnicity and poverty were problems that the Roma had to deal with; the Roma self-governments, unlike others, were faced with the task of improving the lives of their constituents with no additional resources.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Many NGOs reported that the Government continued to be responsive to their requests for information. Human rights groups indicated improvement in the degree of cooperation from government Ministries and prosecutors' offices on cases involving Roma and police abuse. An increasing number of NGOs were involved in the law-making process; however, NGOs claimed that the Government's cooperation in this area was insufficient.

The Government did not interfere with activities of international NGOs and several established offices in the country, including Human Rights Without Frontiers and the Helsinki Committee.

There was a 21-member parliamentary Committee for Human, Minority, and Religious Rights, which conducted hearings and participated in the law-making process. The Committee was composed of both majority and opposition Members of Parliament, which reflected the proportion of party representation in Parliament. In 1995 the Parliament created separate Ombudsmen for human rights, data protection, and minority affairs. The Ombudsmen's offices were independent from the Government, and prepared annual reports to Parliament on their activities and findings. Parliament elected Ombudsmen for a 6-year term, with the possibility of reelection. In June 2001, the Minority Affairs Ombudsman was reelected for a second 6-year term. Persons with complaints who have not obtained redress elsewhere may seek the assistance and investigative authority of the Ombudsmen's office.

The Minority Affairs Ombudsman—an ethnic German reelected in June 2001—was charged specifically with defending minority rights. The Ombudsman played an active role in the examination of allegations of discrimination against the Roma community in such cases as school segregation, access to housing and the election of non-Roma to the Roma minority self-governments (see Section 5).

In 2001 the Minister of Justice established an interministerial antidiscrimination committee to consider the antidiscrimination bill drafted by the Ombudsman; committee members included representatives of relevant ministries, the Government Office of Ethnic Minorities, and the Ombudsman.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination persisted, particularly against the Roma.

Women.—Spousal abuse was believed to be common, but the vast majority of such abuse was not reported, and victims who came forward often received little help from authorities. The NGO Women Against Violence reported that 20 percent of women were threatened by or were victims of domestic violence and that one woman per week was beaten to death. NGOs also reported that there was insufficient emphasis on the protection of female crime victims. Police and prosecutors usually were unsympathetic to victims of domestic abuse.

The laws criminalize spousal rape. Women's rights organizations claimed that one woman in ten was a victim of spousal abuse and that societal attitudes towards spousal abuse were archaic. The law prohibits domestic violence and establishes criminal penalties for those convicted of such acts. During the year, there were no known prosecutions for domestic violence.

While there are laws against rape, often it was unreported for cultural reasons. Police attitudes toward victims of sexual abuse reportedly were often unsympathetic, particularly if the victim was acquainted with her abuser. In the first 6 months of the year, women were victims of 43,655 reported crimes; in 2001 women were the victims of 91,004 reported crimes. During the first 6 months of the year, there were 2,402 reports of crimes against family, youth, and sexual morality. NGOs claimed that the police were unwilling to assist victims in one-third of the reported cases. During the year, there was minor improvement in police attitudes toward victims of sexual assault. Police recruits began to receive training from representatives of NGOs and international organizations in how to properly respond to rape and sexual assault cases. Victims of domestic violence may obtain help and information via a national hot line or at one of several shelters. The hot line operated intermittently for three hours each day; a message system existed for when a counselor was unavailable in person. Shelters provided short-term refuge, and their locations were concealed to protect victims.

Prostitution is illegal; however, in accordance with the law, municipal governments may establish "tolerance zones" where such activity may occur. Only one tolerance zone was in operation, in the eastern city of Miskolc.

The law makes illegal relationships between an adult and a minor where the minor is under 14 years of age.

Trafficking in women for the purposes of sexual exploitation was a serious problem (see Section 6.f.).

The law does not prohibit sexual harassment in the workplace. A report on the country prepared under the auspices of the U.N. to evaluate compliance with the Convention on the Elimination of Discrimination Against Women found that sexual harassment in the workplace was "virtually epidemic." Women's groups reported that there was little support for efforts to criminalize sexual harassment, and that sexual harassment was tolerated by women who feared unemployment more than harassment. The Labor Code regulates questions of security in the workplace; acts of sexual harassment may be prosecuted under the defamation statutes (if violent, such acts are considered sexual misconduct). Sentences of up to 3 years' imprisonment may be imposed for sexual harassment. During the year, no charges were brought under this provision of the Labor Code.

Women had the same rights as men, including identical inheritance and property rights. For budgetary reasons, the Office for Women's Issues suspended operation of its antidiscrimination hot line, which offered free legal advice to women who believed that they were discriminated against with respect to employment. According to the head of the office, the hot line received 20 to 30 calls per day. While there was no overt discrimination against women, the number of women in middle or upper managerial positions in business and government remained low, and in practice women received lower pay compared to men in similar positions and occupations. Nevertheless, the number of women in the police and the military has risen over the past several years, and women were represented heavily in the judiciary and in the medical and teaching professions. During the year, the Government created new positions for women's affairs, which included a directorate general in the Ministry of Employment and Labor Affairs and a separate division to promote equal opportunity.

Children.—The Government was committed to children's rights. Education was mandatory and free through 16 years of age. The Ministry of Education estimated that 95 percent of school-age children, with the exception of Roma children, were enrolled in school. Roma were far more likely than non-Roma to stop attending school before age 16. Reliable figures on Roma enrollment and graduation rates were unavailable due to the prohibition of collecting data on ethnicity.

Roma and other civic organizations highlighted the practice of placing Roma children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in de facto segregation. Although the children could be returned to the regular school system, only a small percentage returned. In April the Ombudsman for National and Ethnic Minority Rights declared that segregation continued to exist in public education. The Ombudsman cited the case of a primary school in Verpelet in Heves County, where Roma children were educated in separate classrooms beginning in first grade, without the consent of the parents. An earlier report by the Ombudsman's office found that the high proportion of Roma children in "special schools" for children with mental disabilities was a sign of prejudice and a failure of the public education system. To prevent the improper placement of children in remedial education, particularly Roma children, parents were required to concur in the decision of the school to enroll their child in such a program and the child was tested yearly to measure educational performance. NGOs remained concerned that Roma children were still improperly referred to special schools despite the safeguards. The Government Office of National and Ethnic Minorities estimated that as many as 700 schools had segregated classrooms. The Government contested the claims of human rights organizations and stated that the Roma schools were designed to provide intensive help for disadvantaged children.

In one case of segregation in the education of Roma, the municipal government of Jaszladany in central Hungary established eleven private classrooms in the public school, which the Roma minority self-government and the Ministry of Education interpreted as a move to separate Roma and non-Roma students. The municipal government had applied for the classrooms to be accredited as a separate charter school during the former government and were scheduled to begin operation in September. The new Minister of Education suspended the accreditation process and barred the private classrooms from operating. Nevertheless, ethnically divided classrooms continued to function in the Jaszladany public schools.

In 2001 the former government converted the family allowance into a school attendance allowance. This measure was intended to force children to go to school, but some Romani NGOs feared that this could be another form of discrimination against Roma, many of whom lived in small villages with no high schools within manageable distance. The extreme poverty of many Roma made it difficult for them to clothe their children appropriately for school. The Roma alleged that the taking away of the family allowance was punishment for neglecting to do something that they could not afford.

There were programs aimed at increasing the number of Roma in higher education. The Romaversitas program supported Romani students finishing degrees in institutions of higher education, and there were Departments of Roma Studies in the Teachers' Training Colleges in Pecs and Zsambek. The Government provided a number of scholarships to Roma children at all levels of education through the Public Foundation for the Hungarian Roma. The Government reported that in the previous academic year, 12,777 Roma students received state-funded scholarships, of which 1,200 were given for studies at the university level. School-age children may receive free medical care at state-operated institutions and most educational facilities. Psychologists were available to evaluate and counsel children, and provisions existed for children to obtain dental care; the Social Security Office provided these services.

Child abuse remained a problem. A 1999 survey showed that over 25 percent of girls suffered from abuse by a family member before they reached the age of 12. The percentage of girls who faced abuse in the family during the year was believed to be unchanged. NGOs reported that neglect and abuse were common in state care facilities. A number of laws were passed to address family violence, including a law on the protection of children. The Criminal Code provided for serious sanctions against the neglect and endangerment of minors, assault, and preparation of child pornography. The application of laws to protect children were enforced infrequently. In August a minor killed her stepfather after several years of repeated physical and sexual abuse. Police and social services failed to intervene to protect the minor despite frequent requests for assistance by the minor and her mother. The minor reportedly confessed to the killing but police continued to investigate and have not brought charges. During the first half of the year, children were the victims of 1,639 crimes; in 2001 they were the victims of 2,828 crimes.

Child prostitution was not a common practice, although isolated incidents existed. Severe penalties existed under the law for those persons convicted of engaging in such acts. Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.).

Persons with Disabilities.—The law does not permit discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government sources estimated that there were between 600,000 and 1 million persons with disabilities (6 to 10 percent of the population). Of these persons, 300,000 to 350,000 were considered seriously disabled and received increased government benefits. Persons with disabilities faced societal discrimination and prejudice.

A Council for the Disabled was established in 1999 under the leadership of the Minister of Social and Family Affairs. The Council served as an advisory board to the Government. A decree requires all companies that employ more than 20 persons to reserve five percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. The foreign NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures existed to oversee the treatment and care of persons with disabilities who were under guardianship. The MDRI and the PEF also criticized the use of cages in government facilities for persons with mental disabilities.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities were limited, and most buildings were not wheelchair accessible.

National/Racial/Ethnic Minorities.—The law recognizes individuals' minority rights, establishes the concept of the collective rights of ethnic minorities, and states that it is their inalienable collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized it must have at least 100 years' presence in the country, and its members must be citizens. On this basis, minority status was granted specifically to 13 national or ethnic groups (among which the Roma were by far the most numerous). Other groups may petition the Speaker of Parliament for inclusion if they believe that they fulfill the requirements.

According to the national census conducted in 2001, Roma constituted about 2 percent of the population. Census questions regarding ethnicity were voluntary, although the results may not reflect actual numbers, which many NGOs and government offices estimated at approximately 9 percent. In view of the higher birth rate among Roma compared with the general decline in the majority population, observers expected this trend to remain constant or to grow, something which continued to cause widespread concern among the majority population. Ethnic Germans, the second largest minority group, constituted approximately 0.7 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians also were recognized as ethnic minorities. Living conditions for Romani communities continued to be significantly worse than for the general population. Roma were the target of government and societal discrimination and racist attacks. They were significantly less well educated, and had below average income and life expectancy. The unemployment rate for Roma was estimated to be approximately 70 percent, more than 10 times the national average. The majority of Roma lived in extreme poverty.

The Government established a secretariat within the Office of the Prime Minister to coordinate Roma Affairs. A Political State Secretary directed this new office; he was a Roma Member of Parliament and former president of the Roma minority self-government of Nagykanizsa. A new Ministerial Commissioner for Roma Affairs was also created, and the Government planned to place a commissioner in six ministries. At the end of the year, only one Ministerial Commissioner for Roma Affairs was in place, in the Ministry of Education.

The Minority Affairs Ombudsman played an active role in the examination of allegations of discrimination against the Roma community and continued to promote a uniform antidiscrimination law (see Section 4). There was 1 Roma lawyer out of 11 in the Ombudsman's office.

Reports of police abuse against Roma were common, but many Roma were fearful to seek legal remedies or notify NGOs (see Section 1.c.). Police also failed to intervene to prevent violence against Roma. In June the Salgotarjan Municipal Court sentenced two police officers to multiple year prison terms for threatening a Roma family with a firearm and for abuse of their official positions. According to the Roma Press Center, on January 29, in Pecsvarad village, an unknown assailant set fire

to the Roma minority self-government building. The fire extinguished itself and damage was minor. Police conducted an investigation but did not identify a suspect. At year's end, there had been no progress in this case.

Changes to the Penal Code made it easier to enforce and stiffened penalties for hate crimes committed because of the victim's ethnicity, race, or nationality. During the year, the Government brought charges in five separate cases for incitement of the public, two of which resulted in convictions. Three cases from 2001 were pending at year's end. Authorities used the prohibition against public incitement to curb some forms of hate speech in the absence of specific hate speech legislation. The Office of the Prosecutor charged a member of the extremist Justice and Life Party with the publication of an anti-Semitic article in a local newspaper, resulting in a conviction. In a second instance, two individuals were charged with reprinting and distributing World War II era anti-Semitic tracts. The courts did not reach a verdict in a 2001 case against the distributors of the Elders of Zion, another anti-Semitic publication.

Local government officials continued to punish Roma who were unable to pay utility bills by evicting their families from their homes without providing alternative housing (see Section 1.f.). In some areas, the relocation and concentration of Roma populations has, in effect, created segregated communities. In the summer of 2000, laws on the tenancy of flats were amended to ease administrative procedures for evicting squatters. Under the new procedures, notaries public may authorize evictions and are required to enforce the order within 8 days, even if an appeal was filed against the decision. Roma families continued to be most affected by the new rules.

The Government reduced the limit on unemployment benefits from 1 year to 9 months in 2000, affecting the Romani community disproportionately and further exacerbating their poverty. Negative stereotypes of Roma as poor, shiftless, and a social burden persisted. Widespread discrimination against Roma continued in education, housing, and access to public institutions such as restaurants and pubs. In some instances, the authorities fined establishments that banned Roma.

Education was available to varying degrees in most minority languages. There were certain minority schools where the minority language was also the primary language of instruction, and there were some schools where minority languages were taught as a second language.

Schools for Roma were more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma. Government sources estimated that graduation rates for Roma remained significantly lower than for non-Roma students, although no statistics were available at the end of the year.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code recognizes the right of unions to organize and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. There were six trade union federations; each was targeted broadly at different sectors of the economy. The largest labor union organization was the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with approximately 235,000 members. According to the Tax Authority of Hungary, in 2001, 654,000 taxpayers declared a deduction for payment of union fees.

Employers are prohibited from discriminating against unions and their organizers. The new Ministry for Employment Policy and Labor Issues enforced this provision.

There were no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with international trade unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code permits bargaining at the enterprise and industry level, but collective bargaining was not widespread in many sectors of the economy. However, labor organizations appeared willing to cooperate with each other. For example, the major trade unions worked closely together in the Interest Reconciliation Council, which brought together government, employers, and trade unions to advise the Government on labor policies and to set target wage increases. Individual trade unions and management may negotiate higher wages at the plant level. Under a separate law, public servants may negotiate working conditions, but the final decision on increasing their salaries rests with Parliament. In July the Government re-established the Labor Ministry, disbanded in 1998, under the name of the Ministry for Employment Policy and Labor Issues. The Labor Ministry was responsible for drafting labor-related legislation, among other tasks.

With the exception of military personnel and police officers, workers had the right to strike.

There were no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities. Employees in such facilities and zones are protected under the labor laws.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government adopted laws to protect children from exploitation in the workplace. The Labor Code prohibits labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts and hard physical labor. Children may not work overtime. The National Labor Center enforced these regulations in practice, and there were no reports of any significant violations of this statute.

e. Acceptable Conditions of Work.—In July the Government reestablished the Interest Reconciliation Council (IRC), replacing the National Labor Council. The IRC had the right to establish the minimum wage through agreement among its participants, representatives of the Government, employers, and employees. In January the minimum wage was raised to \$200 (50,000 HUF). By year's end, public school teachers and health care professionals also received a 50 percent wage increase. The minimum wage did not provide a decent standard of living for a worker and family. The minimum wage was only 41 percent of the average wage. Many workers needed a second job to support themselves; others, while officially earning the minimum wage, were paid more under the table. This practice allowed workers and employers to avoid paying high pension and health care contributions, which were determined as a percentage of the wage. The Government established the National Labor Affairs Supervising Authority to reduce the underreporting of wages. In 2001 the Authority audited 48,000 employers.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, paid vacation and sick leave entitlements, and labor conflict regulations procedures. Under the Code, the official workday is set at 8 hours. However, it may vary depending upon the nature of the industry. A 48-hour rest period was required during any seven-day period. In July the Parliament amended the Labor Code to incorporate nine EU directives that covered protection and rights of employees, conditions of employment, and equal opportunity in employment. The amendments have brought the Labor Code into conformity with EU standards. In September the Government ended employers' flexibility in scheduling the obligatory 2 days of rest per week, something often criticized by labor groups in the past.

Labor courts and the Ministry of Economy enforced occupational safety standards set by the Government, but specific safety conditions were not consistent with internationally accepted standards. The enforcement of occupational safety standards was not always effective, in part due to limited resources. Under the Labor Code, workers had the right to remove themselves from dangerous work situations without jeopardizing their continued employment; this right was respected in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. Some border guards facilitated trafficking.

Parliament amended the Penal Code to add a trafficking law that provides penalties commensurate with those for rape. Under the law, even preparation for the trafficking of persons is a criminal offense. The penalty for trafficking was between 2 and 8 years in prison; the trafficking of minors was punishable by up to 10 years in prison. However, if an organized trafficking ring is involved, the sentence can be life imprisonment or seizure of assets. An amendment to the alien law provided for immediate expulsion from the country of foreign traffickers. Prosecution of traffickers was difficult because there was no legislation to protect victims; however, in 2001 a total of 34 trafficking cases were brought to trial, all of which remained pending at year's end. The Police Organized Crime Task Force investigated trafficking cases involving organized crime, and the Government cooperated with other countries to facilitate improved police cooperation to combat organized crime and trafficking in persons.

The country was primarily a transit point, but was also a source and destination country for trafficked persons. Women and children were trafficked for sexual exploitation primarily from Romania, Ukraine, Moldova, Poland, Yugoslavia, and China to and through the country to Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. Trafficking victims from Hungary typically were women from the eastern part of the country, where unemployment

was high. They were trafficked to other European countries or other parts of the world, primarily to Austria, Belgium, Germany, Italy, and the Netherlands, as well as Canada, Japan, Spain, Switzerland, and Turkey. In October the Government repatriated several Hungarian women trafficked to Cyprus for prostitution. Men trafficked for forced labor through the country en route to EU countries and the United States were from Iraq, Pakistan, Bangladesh, and Afghanistan.

Organized crime syndicates brought many of the victims of trafficking to the country, either for work as prostitutes in Budapest, or in transit to Western Europe or North America. Hungarian trafficking rings also exploited victims by using them as babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates were active in trafficking women, primarily from Ukraine and other countries of the former Soviet Union to EU countries through Hungary. Hungarian victims mainly were young women, although they also included men, middle-aged women, and children. They were recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Reportedly, some victims knew that they were going to work illegally; others believed they were getting foreign visas; others expected to work, but believed their employers were obtaining the appropriate papers and permission, but their employers turned out to be traffickers. Once at their destination, they were forced into prostitution or other exploitation. Traffickers often confiscated identification documents and severely restricted the freedom of movement of their victims.

Corruption among some border officials persisted during the year; this corruption aided traffickers. During the year, the Ministry of Interior concluded two investigations involving 65 border guards, and charged 12 with corruption. Both investigations confirmed that certain border guards stationed on the Slovakian, Ukrainian, and Romanian borders received bribes to allow foreigners to enter the country without inspection of their travel documents, and to waive inspection of the contents of some vehicles. Those guards charged with corruption were held in pretrial detention pending the commencement of their case in a military court. At year's end, these cases remained pending.

The Government provided limited assistance to victims of trafficking. In principle assistance with temporary residency status, short-term relief from deportation, and shelter assistance were available to trafficking victims who cooperated with police and prosecutors; however, there were no documented cases where such assistance was provided. Reportedly, police and immigration officials often treated trafficking victims as criminals, and refused to believe reports of kidnaping of young women.

The Ministry of Interior established a Victims' Protection Office, a victims' protection fund, and has posted information on victim protection in every county police headquarters. Branches of a new Victims' Protection Office, which provided psychological and social support services and legal aid for victims in an effort to safeguard their rights and minimize the trauma of trials, operated in 42 localities (*see* Section 1.e.). However, the women's NGO Women Against Violence Against Women (NANE) reported that the Victim Protection Office did not deal exclusively or even primarily with victims of trafficking.

The International Organization on Migration (IOM) continued a program funded by the EU to raise awareness of the problem of trafficking and to educate potential victims. Women's rights organizations, the IOM, and the Ministry of Youth and Sports Affairs were conducting preventive programs for teenagers in schools. NANE established an information hot line that operated simultaneously with the IOM campaign to provide information on the types of trafficking-associated advertisements and situations that young women should beware of. NANE, the IOM, the Public Fund For a Safe Hungary, and funding from foreign governments established a joint project to continue and enhance the operation of the hot line.

NGOs working on trafficking problems reported that cooperation with government agencies working on trafficking issues was improving. The NGOs provided some training to law enforcement officers in the recognition and identification of trafficking victims. This included sensitivity training as well as techniques to combat trafficking in persons.

ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. The judiciary is independent.

Elected officials maintained effective control of the police forces, which were responsible for internal security. There were no military forces. There were no reports that security forces committed human rights abuses.

The mixed, open economy provided residents with a high standard of living. The country had a population of approximately 286,000. The gross domestic product (GDP) during the year was approximately \$8 billion; GDP growth was approximately 2 percent. Fish and other marine products accounted for about 40 percent of the country's exports. Aluminum was the second leading export.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Human rights monitors expressed concern about the Government's policy on dissent by foreign visitors and on protections of citizens' privacy. Violence against women remained a problem that the Government took steps to address. Some societal discrimination against women persisted, especially in the area of equal pay. There were reports of trafficking in women for prostitution. Iceland was invited as a participant to the second Ministerial Meeting of the Community of Democracies in Seoul, Republic of Korea, in November.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Most of the country's prison population of fewer than 110 inmates were held at Litla Hraun Prison, which included a state-of-the-art detention facility. However, the prison system used a sub-standard jail (Hegningarhusid, built in 1874), where the 16 individual cells lacked toilets and sinks. In most cases, prisoners were kept in Hegningarhusid Prison only a short time for evaluation and processing before being transferred to another facility. Some prisoners with short sentences (less than 30 days) elected to serve their time there to be closer to friends and family.

Human rights observers expressed concern about the use of illegal drugs by some inmates at Litla Hraun Prison and about the lack of social services to help inmates overcome drug addiction and prepare them for eventual release. For humanitarian reasons, authorities have not instituted stringent controls on visitation that could stop narcotics from being smuggled into the prison.

In 2001 in response to the Council of Europe's 1999 finding that authorities used solitary confinement excessively, the Ombudsman of the Parliament investigated its use as a punishment for violations of prison regulations. He concluded that the Ministry of Justice needed to adopt clearer guidelines to prevent the arbitrary use of solitary confinement by prison authorities. By year's end, the Ministry had not done so. During the year, 94 of 108 persons placed in custody spent some time in isolation. The average time spent in isolation was approximately 14 days.

There was a separate minimum-security prison for women inmates. However, because so few women were incarcerated, some men who have been convicted of non-violent crimes were held there as well. Juvenile offenders 15 years of age or older could be sentenced to prison terms, but the vast majority were given probation, suspended sentences, or attended a treatment program instead of going to jail. In the rare instances when juvenile offenders were incarcerated, they were held with adults since there was no separate facility for juveniles. The Government argued that such separation was not practical since the need to incarcerate a juvenile occurred infrequently.

The law allows pretrial detainees to be held with the general prison population; some human rights observers criticized this law. In 2001 the Government budgeted planning funds for a new remand prison just outside of Reykjavik; however, construction had not begun by year's end.

The Government permitted prison visits by independent human rights observers. The Icelandic Red Cross carried out regular prison visits to counsel prisoners and address their individual concerns. The independent Ombudsman of Parliament monitored prison conditions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, followers of the Falun Gong religious movement complained in June that the Government detained them for several hours before admitting them to the country (see Section 2.b.). Officials said that the names of Falun Gong practitioners were

gathered by police with the help of police in countries where these persons had been involved in civil disturbances.

Police may only make arrests where there is a strong suspicion of a crime having been committed or where a person refused to obey police orders to move. There were no reports of arbitrary arrests. All persons placed under arrest were presented with a form for their signature that outlines their rights and options. Within 24 hours of the arrest they appear before a judge who rules on whether they need to remain in custody during the investigation. They were entitled to legal counsel.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution and the law provide for an independent judiciary, and the Government generally respected this provision in practice.

There were two levels of courts. A five-member Judicial Council appointed by the Minister of Justice administered the eight district courts, and the Supreme Court administers itself. All judges, at all levels, served for life.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Juries were not used, but multijudge panels were common, particularly in the Supreme Court, which heard all appeals. Depending upon the seriousness of the case, a Supreme Court panel could have from three to seven judges. Defendants were presumed innocent and generally were tried without delay. They were provided access to legal counsel of their own choosing with sufficient time in general to prepare their defense. For defendants unable to pay attorneys' fees, the State covered the cost, as set by the court; however, defendants were required to reimburse the State. Defendants had the right to be present at their trial, to confront witnesses, and to participate in the proceedings. No groups were barred from testifying, and all testimony was treated alike. The courts had the discretion to allow the introduction of evidence obtained illegally by the police. With limited exceptions, trials were public and conducted fairly, with no official intimidation. Defendants had the right to appeal, and appeals were handled expeditiously.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Scientists and privacy advocates criticized the Ministry of Health and Social Security's national medical data program as a threat to citizens' privacy. The Government maintained access to health records under the 1998 Act on the Health Sector Database without prior affirmative consent by citizens. Its purpose was national health planning and policy. The program is expected to be completed in 2003. During the year, approximately seven percent of citizens exercised their option not to participate in the program.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The law bans the production, exhibition, distribution, or sale of violent motion pictures, which strive to show mistreatment or the brutal killing of men or animals. A six-member Motion Picture Review Committee, appointed by the Minister of Education and Culture, reviewed all motion pictures before they were shown and rated their suitability for children.

The country had three national daily newspapers, numerous radio stations, and two television stations that broadcast news, one of which was state owned but journalistically independent. There were also numerous Internet magazines devoted to news and political debate.

Internet access was available and unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, during the June visit of Chinese President Jiang Zemin, the Government attempted to prohibit approximately 100–120 Falun Gong practitioners from entering the country. Authorities asserted that they lacked the capacity, including facilities and officers, to maintain order and handle the assembly of hundreds of foreign followers of the spiritual movement, which is illegal in China. On June 11, police detained approximately 70 Falun Gong followers on their arrival at Keflavik International Airport; they were released late that night. The detainees did not allege mistreatment. Falun Gong representatives demanded an apology from

the Government, which met them after significant pressure. On June 14, approximately 500 persons assembled peacefully in front of the parliament building (see Section 2.c.) to protest Chinese policies and government actions against Falun Gong demonstrators. The Government's treatment of Falun Gong members provoked heavy criticism within the country from politicians, the media, and the public.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The State financially supported and promoted the official religion, Lutheranism.

The State directly paid the salaries of the 146 ministers in the State Lutheran Church, and these ministers were considered to be public servants under the Ministry of Justice and Ecclesiastical Affairs (MOJ); however, the Church was autonomous in its internal affairs. The Government did not pay Lutheran ministers in the nonstate churches, also known as Free Churches.

All citizens 16 years of age and older had to pay a church tax of approximately \$73 (ISK 6,800) per year. For persons who were not registered as belonging to a religious organization, or who belonged to one that was not registered and recognized officially by the Government, the tax payment went to the University of Iceland, a secular institution.

The law sets specific conditions and procedures that religious organizations must follow to be registered by the Government. Such recognition was necessary for religious organizations other than the state church to receive a per capita share of church tax funds from the Government. The law applies only to religious organizations that are seeking to be, or are already, officially recognized and registered. No restrictions or requirements were placed on unregistered religious organizations, which had the same rights as other groups in society.

By law religious instruction in Christianity is required in the public schools; however, students may be exempted.

In June Falun Gong followers from China experienced entry difficulty and detention in connection with the visit of Chinese President Jiang Zemin (see Section 2.b.).

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

Although neither the Constitution nor the law includes provisions for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice the Government adjudicated cases in accordance with their provisions. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In May the Government adopted the Act on Foreigners, which is scheduled to enter into force in January 2003. There was concern that the 1965 Supervision of Foreigners Law gives police and customs officers at ports of entry too much discretion to deny admission to asylum seekers whose claims they deem not credible. The new law will provide guidelines on the granting of asylum and refugee status, particularly that only the Directorate of Immigration will have the discretion to deny admission to asylum seekers.

In 2001 the country became part of the Schengen free travel area, resulting in the elimination of formal border controls on the movement of persons into the country from other Schengen countries.

The Government has not formulated a policy of first asylum. Because of the country's geographic isolation, the question of first asylum rarely has arisen; however, the Directorate of Immigration and the Icelandic Red Cross (which housed and assisted asylum seekers under a government contract) reported that 94 persons had applied for asylum by October, compared with 52 in 2001. Of these 33 were sent to other countries and 60 withdrew their applications or disappeared. At year's end, the applications of 18 persons still were being processed. Most asylum seekers applied for asylum after entering the country, rather than in the international sector (airside) of the airport. Official asylum procedures require that asylum seekers who are admitted into the country be turned over immediately to the Icelandic Red Cross and the Directorate of Immigration for processing and care. Processing of asylum cases could take 1 year or more, during which time asylum seekers were eligible for state-subsidized health care but could not work or enroll their children in public schools.

In June Falun Gong supporters visiting from China were detained for a brief period (see Section 2.b.).

The Government planned to receive 10 to 15 UNHCR-designated quota refugees during the year, substantially fewer than in previous years. However, no refugees were accepted during the year due to a reduction in funding.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The last elections to the Althingi, the unicameral legislature, were held in 1999.

A center-right coalition has governed since 1991. The next national elections are scheduled for May 2003. There were 23 women in the 63-member Parliament, 3 women in the 12-member Cabinet, and 2 on the 9-member Supreme Court. In April the Government gave foreigners who have resided in the country legally for 5 years or more the right to vote in municipal elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. An independent Ombudsman, elected by the Parliament, monitors national and local authorities to ensure equal protection of persons residing in the country, whether citizens or aliens. Complaints may be lodged with the Ombudsman regarding decisions, procedures, and conduct of public officials and government agencies. The Ombudsman may demand official reports, documents, and records and may summon officials to give testimony. The Ombudsman has access to official premises. While the Ombudsman's conclusions are not binding on the authorities, his recommendations normally have been followed, and he made annual reports of his work to the Parliament. There was also a Children's Ombudsman (*see* Section 5).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors. The population was strongly egalitarian and opposed discrimination based on any of these factors.

Women.—The law prohibits domestic violence and rape, including spousal rape. Violence against women continued to be a problem, with gang rapes reportedly becoming more frequent during the year. Police statistics indicated that the incidence of violence against women—including rape and sexual assault—was low; however, the number of women seeking assistance at the public women's shelter, the counseling center, and the emergency ward of the National Hospital indicated that many incidents go unreported. Each year about 100 women ask for temporary lodging at the women's shelter, while 300 to 400 women and children seek assistance at the counseling center. During the year, they had 410 visitors, 225 of whom came to the center for the first time.

The Government helped finance various facilities and organizations that provided assistance to victims of violence. The City of Reykjavik, in addition to partially funding such services, provided help to immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights. Courts could issue restraining orders. Victims of sexual crimes were entitled, under the Criminal Code, to lawyers to advise them of their legal rights and help them pursue cases against the alleged assailants. However, a large majority of victims declined to press charges or chose to forgo trial, in part to avoid unwanted publicity in a small, tightly knit society. Some local human rights monitors also attributed underreporting to the fact that convictions traditionally yield light sentences: The maximum penalty for rape is 16 years' imprisonment, but the actual sentences imposed typically are much closer to the minimum sentence of 1 year.

Prostitution is not illegal, but it is illegal to engage in prostitution as a main source of income. It is also illegal to act as an intermediary in the sale or procurement of sex. There were reports that some foreign women were trafficked to work as striptease dancers (*see* Section 6.f.).

The rate of participation by women in the labor market was high at over 80 percent. In part this reflected the country's comprehensive system of subsidized day care, which made work outside the home more affordable and convenient for parents. The law requires that preference be given to hiring and promoting women in areas where they are underrepresented, as long as they are equal in all other respects to male job seekers. Despite laws that require equal pay for equal work, a

pay gap existed between men and women. According to one of the largest labor unions, women on average earned 16 percent less than men in 2001. A 12 percent difference in pay may be attributable to the fact that men work on average 4.2 hours more a week than women.

Fathers had the same right as mothers to paid leave upon the birth of a child. Under the law, which is expected to be fully implemented in 2003, both mothers and fathers would be allowed to take 3 months of paid leave (at 80 percent of the normal salary), with an additional 3 months that can be taken by either parent or shared between them. Previously a mother was given 6 months of paid maternity leave and the father just 2 weeks. The new leave requirements apply equally to the public and private sectors.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. School attendance was compulsory through the age of 15 and free through public university level. Approximately 85 percent of students continued to upper secondary education, which was financed completely by the Government. The Government provided free prenatal and infant medical care, as well as heavily subsidized childcare. The Children's Ombudsman, appointed by the Prime Minister but independent from the Government, fulfilled its mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes. When investigating complaints, the Ombudsman had access to all of the country's public and private institutions and associations that house children or otherwise care for them. However, the Ombudsman's conclusions were not legally binding on parties to disputes.

The Government-funded Agency for Child Protection coordinated the work of approximately 40 committees around the country that were responsible for managing child protection issues (for example, adoption and foster care) in their local areas. In June, Law number 80/2002 article 7 went into effect, raising the minimum size of child protection areas from 200 to 1,500 inhabitants. The change was made to address concerns about conflicts of interest and improper influence. The law also took away the committees' power to terminate parental rights and provided that longer-term care decisions must be adjudicated in court. The Agency also operated eight treatment centers and a diagnostic facility for abused and troubled minors.

There was no societal pattern of abuse directed against children. In an effort to improve the rate of prosecution of child sexual abuse and lessen the trauma to the child, the Government established the Children's Assessment Center (Barnahus). The center, which handled 100 to 125 cases annually, was intended to create a safe and secure environment where child victims feel more comfortable talking about what happened to them. The center brought together police, prosecutors, judges, doctors, and officials from child protection services. Under a 2000 Supreme Court ruling, a district court judge could hold an investigatory interview in the courthouse rather than at the center. Human rights observers criticized this ruling as a step backward in the protection of children's rights.

Human rights observers also criticized the establishment of a national health database that included children. Medical records of children under the age of 18 automatically were entered into the database unless their legal guardians requested otherwise. On reaching the age of 18, a person could elect to discontinue their inclusion in the database, but information already stored could not be withdrawn (*see* Section 1.f.).

Persons with Disabilities.—There was no reported discrimination against persons with disabilities in employment, education, or the provision of other state services. The law provides that such persons have the right to all common national and municipal services and provides that they be given assistance to make it possible for them to live and work normally in society. The law also provides that persons with disabilities receive preference for a government job when they are qualified equally, or more qualified, than regular applicants.

Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs. The regulations also specify that one percent of parking spaces (a minimum of one space) be reserved for persons with disabilities. The regulations also specify that, to the extent possible, the sidewalk outside the main entrance of such a building be heated so that it remains clear of ice and snow. Violations of these regulations are punishable by a fine or a jail sentence of up to 2 years; however, the main association for persons with disabilities has complained that enforcement is lax and that penalties rarely are assessed for noncompliance.

In 2000 the Supreme Court ruled that the reduction of social security payments to persons with disabilities based on the income of their spouses violated constitu-

tional protections regarding equality and support for persons with disabilities. In response, Parliament in 2001 increased the minimum payment to persons with disabilities who have able-bodied spouses, but continued to subject benefits to a modified means test. The Association of Disabled Persons protested that the legislation did not comply with the Supreme Court ruling and challenged the law in court. The case was on appeal at year's end.

While significant progress has been made in addressing the concerns and needs of persons with physical disabilities, some mental health advocates criticized the Government for not devoting sufficient attention and resources to the care of persons with mental disabilities.

National/Racial/Ethnic Minorities.—There is no law that prohibits organizations that promote and incite racial discrimination. The Prime Minister and others expressed concern that the rapidly increasing number of foreigners entering the country to meet labor shortages could lead to future problems, especially in the event of an economic downturn. According to the National Statistical Office, at the end of 2001, 9,850 foreigners were living in the country, approximately 3 percent of the population. Many temporary workers come from Central and Eastern Europe and the former Soviet Union, and the Directorate of Immigration expected most to seek to remain permanently rather than return to their countries of origin. The term *nyblar*—newcomer—has taken on a negative connotation according to human rights observers and is increasingly applied to immigrants of color. Asian women in public at night reportedly were taunted on the assumption that they were prostitutes, and minority children were teased for allegedly having been purchased on the Internet. In September a Gallup Poll revealed that only 27 percent of citizens aged 45 to 54 had positive feelings toward foreigners; however, nearly half the 16- to 24-year-olds had positive feelings.

The City of Reykjavik, together with three other municipalities and the Icelandic Red Cross, operated an Intercultural Center that helps foreigners adjust to living in the country. The center offered free translation, education, research, and advice services. The Ministry of Social Affairs operated a Multicultural Center in Isafjordur that facilitated the interaction of citizens with foreign nationals and provided support services for foreign nationals in rural municipalities.

Human rights observers continued to express concern about a tiny ultranationalist organization, Iceland for Icelanders, which was founded in 1997 with the goal of limiting the further settlement of foreigners in the country to persons of European origin. In 2001 the Supreme Court fined the deputy leader of the organization for making disparaging remarks about foreigners in a newspaper interview.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to establish unions, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views, and workers exercised these rights. Labor unions were independent of the Government and political parties. Approximately 85 percent of all eligible workers belonged to unions.

Labor courts effectively adjudicated disputes over contracts and over the rights provided by the law, which prohibits antiunion discrimination. By law employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities; however, in practice the charges often were difficult to prove.

Unions were permitted to affiliate internationally, and they took active part in Nordic, European, and other international trade union bodies.

b. The Right to Organize and Bargain Collectively.—Union membership is not impeded by law or practice. Employers were required to withhold union dues (one percent of gross pay) from the pay of all employees, whether or not they were union members, to help support disability, strike and pension funds and other benefits to which all workers are entitled.

Trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers' pay, hours, and other conditions. Collective bargaining agreements were negotiated in 2000, and most are scheduled to expire in 2003 and 2004. The Government played a minor role in the bargaining process, providing mediation assistance in a few cases (through the State Mediator's Office).

The Icelandic Federation of Labor (IFL) lost two lawsuits in 2001 in which it charged that Parliament's intervention in the fish industry strike violated the seamen's constitutional rights to associate freely and to bargain collectively (*see* Section 6.a.). In December 2001, the IFL made the same complaints to the International

Labor Organization (ILO). The Government answered ILO questions in August, and the case remained open at the end of the year.

With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have the right to strike. There were no strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. Work permit practices left newly arrived foreign workers vulnerable to abuse by employers (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition is observed in practice. Children 14 or 15 years old may be employed part time or during school vacations in light, nonhazardous work. Their work hours must not exceed the ordinary work hours of adults in the same occupation. The Occupational Safety and Health Administration enforced child labor regulations effectively.

e. Acceptable Conditions of Work.—No minimum wage is mandated by law, but the minimum wages negotiated in various collective bargaining agreements applied automatically to all employees in those occupations, whether they were union members or not. Labor contracts provided a decent standard of living for a worker and family.

The standard legal workweek was 40 hours, which included nearly 3 hours of paid breaks a week. Work exceeding 8 hours in a workday must be compensated as overtime. Workers were entitled to 11 hours of rest within each 24-hour period and to a day off every week. Under defined special circumstances, the 11-hour rest period could be reduced to 8 hours, but workers would then have to be compensated with 1.5 hours of rest for every hour received less than 11 hours. The day off could be postponed by 1 week, in which case the worker had a right to 2 additional hours off the following week.

Health and safety standards were set by Parliament and administered and enforced by the Ministry of Social Affairs through its Occupational Safety and Health Administration, which could close down workplaces until safety and health standards were met. Workers had a collective, not an individual, right to refuse to work in a place that did not meet occupational safety and health criteria. Firing workers who report unsafe or unhealthy conditions was illegal.

The Government's practice of issuing work permits for newly arrived foreign workers or refugees to the employer rather than to the employee made workers vulnerable to abuse by the employer in some instances (see Section 5).

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, although a number of legal provisions may be used to prosecute such cases. There were reports that women were trafficked to and within the country.

Article 206 of the Constitution specifies imprisonment for a conviction of facilitating a minor's entry or departure from the country if the purpose was commercial sex or if the victim was unaware of the genuine purpose, as through fraud. Criminal procedures also provide that victims may testify at government expense against traffickers. However, no person has ever been arrested or charged with trafficking in persons.

The 1984 Extradition Law provides that a person may be extradited as long as the offense involved would be punishable by more than 1 year's imprisonment. Article 206 of the general penal code provides for a sentence of up to 4 years imprisonment for an offense tantamount to trafficking in persons; therefore the law would allow the extradition of persons who were charged with trafficking in other countries.

Evidence of trafficking has been reported by police, NGOs, researchers and foreign diplomats, mainly in connection with foreign women who entered the country to work in striptease clubs. There was an assumption that some women travelling to Iceland to work in the country's striptease clubs were victims of trafficking. Hungary, the Czech Republic, Slovakia, Estonia, Latvia and the former Soviet Union were the main countries of origin for these dancers, but there were no statistics on the number or origin of women actually trafficked. While most attention has been focused on the country as a possible destination point for trafficked women, there have been some cases during the year that indicated that the country was also being used as a transit point for the movement of trafficked women between Europe and North America. There were no reliable estimates on how many women this may have involved.

Parliament in 2000 closed a loophole that allowed striptease dancers to enter the country as artists and perform without a work permit for up to 4 weeks. Subsequently, in order to work as a striptease dancer, any foreigner from outside the European Economic Area (EEA) was required first to obtain a work permit, which was typically valid for 3 months. Due to the action of government authorities in denying work and residence permits, the influx of nightclub dancers from outside the EEA slowed considerably in the second half of 2001. During the year the number of foreign dancers plummeted following a ban by Reykjavik authorities on private dances that served as a front for prostitution. At the end of the year, club owners were contesting the ban in the courts.

There were two cases since 2001 of foreign striptease dancers complaining to police that a club owner had pressured them into prostitution. The police investigation, which involved a total of six women from Estonia and Denmark, concluded without any charges being brought against the club owner. Foreign embassies reported that they had helped to repatriate women who realized upon arrival that they had been deceived concerning the work that they were expected to perform. Many employers required their dancers to live in small, crowded group houses provided by the clubs. Some clubs allegedly restricted their dancers' movement, enforced a curfew, and kept dancers under constant surveillance, confiscating their passports and airline tickets and warning them not to fraternize with persons outside work. The club owners reportedly limited the dancers' stay in the country to minimize the number of contacts that the women could make, moving them quickly to the next country and job.

Victims of trafficking could seek help at the women's shelter, counseling center, and hospital, all of which were government funded. There were no domestic NGOs dedicated solely to assisting victims of trafficking, nor was there an established government assistance program. Some NGOs provided government-supported counseling and shelter to women and children who were victims of violence or sexual abuse. The Icelandic Human Rights Center, which is also government funded, assisted with trafficking cases and made referrals (*see* Section 5).

There were no ongoing information, public awareness, or other antitrafficking programs during the year.

IRELAND

Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The Government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, and a directly elected president. The judiciary is independent.

The national police (Garda Siochana) were under effective civilian control and had primary responsibility for internal security. Since the police were primarily an unarmed force, the army, which was under the effective civilian control of the Minister for Defense, acted in their support when necessary. The country's principal internal security concern since September 2001 has been the prevention of terrorist activity by international terrorists; however, the Government continued to monitor closely indigenous paramilitary groups active in the Republic and Northern Ireland. While most paramilitary groups, on both sides of the border, have declared permanent cease-fires pursuant to the 1998 Good Friday Peace Agreement, several groups remained active. Members of the police used excessive force during a May Day demonstration.

The country had an open, market-based economy that was highly dependent on international trade. Its population was 3.92 million. Assistance received from the European Union (EU) over the past two decades has helped the country to address socio-economic imbalances and infrastructure deficiencies. Although the country's economic performance in the past decade has been strong, unemployment during the year rose to 4.5 percent. However, per capita gross national product also increased by approximately 15 percent to \$29,425.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provided effective means of dealing with individual instances of abuse. There were problems in prison sanitation and health care; however, recent renovations and new building projects significantly lessened prison overcrowding. The use of special arrest and detention authority and the use of non-jury courts in specific circumstances continued. Films, books, and periodicals were subject to occasional censorship; however, only videos actually were censored. Abuse and mistreatment of women and children were problems. Asylum seekers and Travellers (a nomadic community) faced some discrimination, and there were incidents of violence against racial minorities and immigrants. Ireland was in-

vited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

In January the Special Criminal Court in Dublin convicted Irish citizen Colm Murphy and sentenced him to 14 years for conspiracy in the 1998 bombing in Omagh, Northern Ireland. Murphy was the first person to be convicted in connection with the worst terrorist attack on the island in 30 years.

The Commission for the Location of Victims' Remains—established to locate the remains of persons abducted by the Provisional Irish Republican Army (IRA) in the 1970's—remained suspended during the year pending receipt of new information from the IRA.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them. Unlike in previous years, there were no confirmed instances of police abuse of detainees and prisoners.

The Government recorded the questioning of suspects in Garda stations, a practice designed to deter abuse or mistreatment. The Garda Complaints Board recorded 1,281 complaints (ranging from rudeness to physical abuse by police officers) in 2001.

There were incidents of societal violence against racial minorities and immigrants (see Section 5). The Garda Racial and Intercultural Office developed an electronic recording mechanism to track racially motivated incidents, but statistics generated were not available at year's end.

Prison conditions generally met international standards. Recent renovations and new building projects significantly improved physical infrastructure and reduced overcrowding; however, some prisons still lack in-cell sanitation facilities such as toilets and running water. Prisons also lacked sufficient health care facilities and services. The country had a low incarceration rate (80 inmates per 100,000 population), and the prison regime was generally liberal. Male prisoners were held separately from female prisoners, juveniles were held separately from adults, and pre-trial detainees were held separately from convicted prisoners.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions had access to mechanisms for redress; however, the Justice Department indicated that there were no allegations of mistreatment of prisoners by the Prison Service during the year, and there were no outstanding claims from previous years.

The authorities continued to arrest and incarcerate at Portlaoise Prison persons involved in paramilitary activity. Conditions for these inmates were generally the same as those for the general prison population.

The Government permitted prison visits by domestic and international human rights observers in most cases; however, appointments were necessary to tour facilities. In December the Prison Service refused prison access to an NGO planning to conduct a study on racism; the Prison Service made the decision on the grounds that it had funded a similar study that was already underway. The Council of Europe's Committee for the Prevention of Torture (CPT) visited prisons during the year to assess the Government's response to their 1998 recommendations for improving conditions; its report was not available at year's end. Diplomatic observers who visited the Central Mental Hospital in Dundrum, the country's only prison for inmates with mental disabilities, which was condemned by the CPT in 1999, reported that little progress had been made to improve deplorable conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, the use of special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order the detainee's release unless it can be shown that the person is being detained in accordance with the law. The Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours pursuant to the direction of a police officer of the rank of superintendent or above in cases where there are grounds for believing that such detention is necessary for the proper investigation of an offense. A continuation of detention for 8 hours overnight is possible, to allow a detainee to sleep.

The Offenses Against the State Act allows police to arrest and detain for questioning anyone suspected of committing a “scheduled offense”—crimes involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to “prevent actions and conduct calculated to undermine public order and the authority of the State,” it is not restricted to subversive offenses. As a result, the police have broad arrest and detention powers in any case involving firearms. In cases covered by this act, the initial period of detention without charge is 24 hours at the direction of a police superintendent; detention may be extended another 24 hours by a judge. However, under the terms of the Decommissioning Law, the authorities may not institute proceedings against individuals for any offense committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme. Detainees and prisoners are allowed unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one; if the detainee cannot afford an attorney, the Government will provide one through the Free Legal Aid program.

The law allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is defined by law; the offense must be one that carries a penalty of 5 years’ imprisonment or more.

The Offenses Against the State Act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are “prejudicial to the preservation of public peace and order or to the security of the State”; however, this power has not been invoked since the late 1950’s. The act allows police to detain suspects in certain crimes, usually those involving serious offenses with firearms or explosives, for 48 hours. A 24-hour extension is possible if approved by a judge. The act also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding his whereabouts, associations, or actions, then the accused person’s silence may be used as corroborative evidence of guilt. The accused person’s failure to respond to accusations of membership in an illegal organization also may be used as corroborative evidence of guilt. However, the accused may not be convicted based solely on a refusal to speak.

Membership in or leadership of an illegal organization as defined by the Offenses Against the State Act carries a possible life sentence. The word of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in the commission of a serious offense carries a penalty of up to 10 years’ imprisonment, a fine, or both. Withholding information that could prevent a “serious” offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years’ imprisonment, a fine, or both.

The Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge’s approval.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. For indigent defendants, the State assumes the cost of providing counsel under the criminal legal aid scheme.

The Constitution explicitly allows “special courts” to be created when “ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order.” In 1972 the Government created a non-jury “Special Criminal Court” (SCC) to try “scheduled offenses.” Largely a reaction to paramilitary violence related to the troubles in Northern Ireland, the use of the SCC was justified as necessary to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. In 2001 the SCC indicted 29 persons and held 18 trials; 22 individuals were convicted on guilty pleas and 7 persons were convicted on not guilty pleas.

In addition to scheduled offenses, the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC by certifying that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace. In lieu of a jury, the SCC always sits as a three-judge panel, and its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts; however, the sworn statement of a police chief superintendent identifying the

accused as a member of an illegal organization is accepted as prima facie evidence. Sessions of the SCC generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances. The Government continued to review the ongoing need for the SCC.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech; however, freedom of the press is subject to the constitutional qualification that it not “undermine public order or morality or the authority of the state.” The Constitution prohibits the publication or utterance of “blasphemous, seditious, or indecent matter.”

There were eight independent national newspapers and many local newspapers; two independent current affairs magazines were published, along with hundreds of special interest magazines.

Broadcasting remained mostly state controlled, but private sector broadcasting continued to grow. There were 49 independent radio stations and an independent television station. Expanded access to cable and satellite television lessened considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter that is “likely to promote or incite to crime or which would tend to undermine the authority of the State.” The Act was not employed during the year.

The Office of the Film Censor must classify films and videos before they can be shown or sold, and distributors pay fees to finance the censor’s office. Under the Censorship of Films Act, the censor has the authority to cut or ban any film that is “indecent, obscene, or blasphemous,” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” During the year, no theatrical films were banned, but 16 videos were banned—primarily because of their pornographic or violent content—compared with 26 in 2001. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals also were subject to censorship; however, as in previous years, no books or periodicals were censored. The Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also may examine books (but not periodicals) on its own initiative. The board may prohibit the sale of any publication that it judges to be indecent or obscene or that advocates the procurement of abortion or miscarriage.

While the press operated freely, some observers believed that the Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) may result in some self-censorship.

Internet access was available and unrestricted. An Internet Advisory Board supervised self-regulation by Internet service providers and operated a hot line for complaints about any Irish-hosted child pornography sites the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to “assemble peaceably and without arms”; however, it also allows the State to “prevent or control meetings” that are calculated to breach the peace or to be a danger or nuisance to the general public. It is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization; however, the Government allowed meetings and assemblies by some groups that are associated with illegal terrorist organizations.

Police conduct during demonstrations generally was restrained; however, seven gardai accused of using their batons excessively during a May Day demonstration in Dublin faced charges of assault; at year’s end, the seven gardai were awaiting trial and were confined to indoor duties pending the outcome of the proceedings. An additional seven or eight police officers who used their batons excessively on the demonstrators were not identified.

The Constitution provides citizens with the right to form associations and unions; however, the law mandates the prosecution and incarceration of persons for mere

membership in a terrorist organization. Nevertheless the Government permitted some groups associated with illegal terrorist organizations to meet.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution prohibits promotion of one religion over another and discrimination on the grounds of religion or belief, and the Government did not restrict the teaching or practice of any faith.

While approximately 92 percent of the population is Roman Catholic, the Church is not officially established. However, adherence to Roman Catholicism may be politically advantageous because of the country's history and tradition as a predominantly Catholic country and society. A majority of officeholders from the major political parties (Fianna Fail and Fine Gael) were practicing Catholics.

The Government does not require but does permit religious instruction in public schools. Most primary and secondary schools are denominational—the majority Catholic—and the Catholic Church partially controls their boards of management. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The Government grants refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government developed specific administrative procedures for the implementation of the convention in consultation with the U.N. High Commissioner for Refugees (UNHCR), and pursuant to a Supreme Court ruling, these procedures are binding on the Department of Justice, Equality, and Law Reform. The 1996 Refugee Act provides for asylum procedures that are in accordance with EU guidelines and also makes provision for invited refugees under UNHCR programs. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

A large number of asylum seekers continued to strain the Government's processing system and challenge societal acceptance (see Section 5). A record number of 11,530 asylum seekers entered the country, compared with 10,325 in 2001. The Government reduced processing time for new asylum applications from over 1 year to approximately 4 months: At year's end, 4,900 applications awaited processing, compared with 8,483 at the end of 2001. The Government granted first asylum to 893 persons, compared with 458 in 2001; in the same period, 1,097 persons were granted asylum on appeal, compared with 479 in 2001.

The Garda National Immigration Bureau (GNIB) monitored nonnationals who were the subject of deportation orders. The GNIB coordinated activities that led to deportation, including "Operation Hyphen"—a July raid on illegal immigrants that resulted in the arrest of 140 persons, 16 of whom were former asylum seekers awaiting deportation (the remainder had entered or were in the country legally). The GNIB also oversaw operational strategies and resources at ports of entry, coordinated efforts to combat trafficking in illegal immigrants, strengthened international liaison on immigration issues, administered the non-national registration service, and generally enforced immigration law.

The law forbids, and there were no reports of, the forced return of persons to a country where they fear persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. The Parliament is bicameral; members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are elected popularly, while most members of the Seanad (Senate) are elected by vocational and university groups, with the others appointed by the Prime Minister. Several political parties have seats in both bodies. The President is elected popularly for a 7-year term and is limited to 2 terms. An appointed Council of State advises the President. Parliamentary elections were held on May 17, and Presidential elections were held in October 1997.

The President was a woman, and 22 of the 166 deputies in the Dail and 9 of the 60 senators were female. Two of the 15 government ministers were female, as were

2 of the 17 junior ministers. Three women sat on the 26-member High Court, and 2 of the 8 Supreme Court judges were female.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

A government ombudsman investigated complaints by those who believed that they had been unfairly treated by the Government or by local authorities.

The Human Rights Commission, established by the Government in 2000 as stipulated in the Good Friday Agreement, began functioning at year's end. The Commission was responsible for providing information and promoting awareness of human rights, commenting on human rights draft legislation referred to it by the Parliament, making recommendations to the Government on the adequacy and effectiveness of laws and practices, and initiating court proceedings or providing assistance to individuals doing so. The Good Friday Agreement also mandates equivalency with regard to protection of human rights in Northern Ireland and the Republic of Ireland.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Employment Equality Act outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. The 2000 Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on these grounds.

Women.—Domestic violence and emotional abuse were common problems, although there were modest improvements. The Garda recorded 9,983 incidents of domestic violence in 2001, a decrease of 18 percent from 2000. The National Steering Committee on Violence Against Women (a multiagency government body) continued its public outreach campaign to combat violence against women, which it described as a "hidden" and "severely under reported" problem. Since the campaign began in 1999, there have been increases in the number of counseling calls to the country's 18 rape crisis centers, in the number of rapes reported, and in public awareness about the extent of the problem. In addition to the 18 rape crisis centers, there were 15 women's shelters and 13 women's centers throughout the country, funded in part by the Government.

In 2001 the Dublin Rape Crisis Center reported receiving 9,982 counseling calls in all categories (child sexual abuse, adult rape, adult sexual assault, sexual harassment), which was a significant increase over the previous year. The center estimated in 2001 that 167 rape victims reported the crime to police. Recent victims and victims raped by a stranger were more likely to report the rape to police. In 2001 17 rape cases were tried, resulting in 15 convictions.

The law criminalizes rape within marriage, and the Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. The 2000 Sex Offenders Bill provides that "separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience."

The law prohibits discrimination against women in the workplace; however, inequalities persisted regarding pay and promotions in both the public and the private sectors. Women held 46 percent of public sector jobs but were underrepresented in senior management positions. A 1999 government report found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The law provides for protection and redress against discrimination based on gender and marital status, and the Equality Authority monitored the implementation of the law. In 2001 the earnings of women averaged 85 percent of those of men.

Women's participation in the workforce was hampered by the lack of adequate childcare facilities. To encourage the participation of parents, both men and women, in the workforce, the Government included in its 2000–2006 national development plan an equal opportunities childcare program, which allocated approximately \$275 million (317 million Euros) to improve childcare availability and quality.

The Maternity Protection Act provides a woman with 14 weeks of paid maternity leave and the right to return to her job. The Parental Leave Act allows a child's mother and father each to take 14 weeks of unpaid leave to care for a child under

the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father's leave or vice versa. Parental leave does not affect a mother's right to maternity leave.

Children.—The Government was committed strongly to children's rights and welfare; it amply funded systems of public education and health care. Under the Child Care Act, education is free and compulsory for children from 6 to 15 years of age. Almost all children attended school. The Minister of State (junior minister) for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The Status of Children Act provides for equal rights for children in all legal proceedings.

The sexual abuse of children was a problem and continued to receive significant media attention. During the year, past sexual abuse by Catholic priests came under intense media and public scrutiny. Following an October national television program that exposed numerous cases of child sexual abuse by priests and possible cover-ups by Church authorities, the Government announced plans to establish a commission to investigate these charges. The Dublin Rape Crisis Center reported that 44 percent of calls to its crisis line involved child sexual abuse. The Child Care Act places a statutory duty on government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Child Trafficking and Pornography Act aims to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

Persons with Disabilities.—The Government Commission on the Status of People with Disabilities estimated that approximately 10 percent of the population have a disability. It is unlawful to discriminate against anyone on the basis of disability in relation to employment. Nongovernmental organizations (NGOs) claimed that there is societal discrimination against persons with disabilities.

As a result of public dissatisfaction with provisions of the proposed 2001 Disability Act and The Education Disability Bill the Government withdrew the proposals that were intended to build on existing legislation.

The 1991 Building Regulations Act established minimum criteria to ensure access for persons with disabilities to all public and private buildings constructed or significantly altered after 1992; however, enforcement was uneven.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy. The authority's strategic plan for 2000–03 has three priorities: The development of policies to promote the equal status of persons with disabilities, influencing societal attitudes, and ensuring services for persons with disabilities.

National/Racial/Ethnic Minorities.—Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly comparable to the Roma of continental Europe. The Traveller community has its own history, culture, and language. Travellers faced societal discrimination and regularly were denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Anti-trespassing legislation enacted this year led to evictions of Travellers from public and private property. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school, and the students at times were segregated into all-Traveller classes. Of the estimated 5,000 Traveller families, approximately 1,200 lived on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers were dependent on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

The Employment Equality Act outlaws job discrimination against Travellers. As recommended by a 1995 task force report, a monitoring committee oversaw reforms to address problems encountered by Travellers.

The Housing (Traveller Accommodation) Act requires local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. In 2001 the monitoring committee issued a report with 85 recommendations, including providing 2,200 housing units to Traveller families this year. At year's end, 129 units had been allocated. The report acknowledged that tracking the progress of improvements in the Traveller community was difficult because of a lack of data on Travellers' use of education and health services. To develop better relations between Travellers and the settled community, the Government agreed to provide a Traveller Mediation Service and \$1 million (1.14 million Euros) over a 3-year period for awareness programs.

Societal discrimination and racial violence accompanied the growing influx of foreign workers. These developments sparked public debate over the openness of society to immigrants and how to address outbreaks of xenophobic incidents of violence. In 2001 an Amnesty International survey found that 78 percent of respondents reported having experienced racism. Racially motivated incidents involved physical violence, intimidation, and verbal slurs, and the majority of incidents of racist violence took place in public places. In January a group of youths taunted and with an iron bar beat a 29-year-old Chinese student who was walking home from a party in north Dublin with two other Chinese nationals. The student later died in the hospital—the country's first confirmed racially motivated fatality. One of the six juvenile perpetrators was charged with manslaughter, and the other five were charged with violent disorder; the cases remained pending at year's end.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to join—or refrain from joining—a union, and workers exercised this right in practice.

Approximately 50 percent of workers in the private and public sectors were union members. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare. The Irish Congress of Trade Unions (ICTU) represented 58 unions island-wide, including 48 in the Republic of Ireland. The ICTU was independent of the Government and political parties.

The Anti-Discrimination (Pay) Act and the Employment Equality Act make the Equality Authority responsible for the investigation of allegations of antiunion discrimination, which is prohibited under the law. If the authority is unable to obtain resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

Unions may freely form or join federations or confederations and affiliate with international bodies, and many did so.

b. The Right to Organize and Bargain Collectively.—Labor unions have full freedom to organize and to engage in collective bargaining, and unions exercised this right in practice. Most terms and conditions of employment were determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the “social partners,” i.e., unions, employers, farmers, and the Government. The latest version of these agreements, the Partnership for Prosperity and Fairness, was signed in 2000.

The Labor Relations Commission provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The law provides for the right to strike, and this right was exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. A number of strikes occurred during the year, notably in the manufacturing, transport, storage and communication sectors, although the number of days lost to industrial disputes fell sharply from last year—12,110 in the first 6 months of this year, compared with 110,133 in the same period in 2001. All strikes concluded peacefully, with the unions involved achieving some, if not all, of their goals. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforced this provision through the Department of Enterprise, Trade, and Employment.

The export processing zone at Shannon Airport operated under the same labor laws as the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The law sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement was reportedly lax, but violations were rare.

e. Acceptable Conditions of Work.—During the year, a new national minimum wage, \$6.00 (6.35 Euros) per hour, went into effect. This wage does not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent and unavoidable risk" without jeopardy to their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no confirmed reports that persons were trafficked to, from, or within the country; however, NGOs believed there were cases of trafficking, although they had no concrete evidence.

The Child Trafficking and Pornography Act criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Bill criminalizes the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing trafficking in women for sexual criminal activities, although laws prohibit the exploitation of prostitutes, and the exploitation of prostitutes by means of coercion or fraud. Traffickers who facilitate for gain the entry of illegal immigrants or asylum seekers are liable for fines or imprisonment for terms ranging from 1 to 10 years.

The Ministries of Justice and Foreign Affairs and the GNIB were involved in antitrafficking efforts, and there were links between government officials, NGOs, and other elements of civil society on trafficking issues. A coalition of NGOs that deal in part with trafficking issues met periodically during the year.

ITALY

Italy is a longstanding, multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the Council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with the leaders of all political forces in Parliament. In May 2001, the Parliament was elected in elections that were considered free and democratic. The Constitution provides for an independent judiciary; however, long trial delays and the impact of organized crime on the criminal justice system complicated the judicial process.

The armed forces are under the control of the Ministry of Defense. The Ministry of Defense controls the Carabinieri, a military security force; however, the Ministry of Interior assumes control of the Carabinieri when they are called upon to assist police forces in maintaining public order. Four separate police forces report to different ministerial or local authorities. Under exceptional circumstances, the Government may call on the army to provide security in the form of police duty in certain local areas, thereby freeing the Carabinieri and local police to focus on other duties. During the last few years, the army intermittently has supported the police in Sicily and in the province of Naples, where there are high levels of organized crime. There were allegations that police committed human rights abuses.

The country had an advanced, industrialized market economy, and the standard of living was high for the country's population of approximately 57.8 million. Small and midsize companies employed from 70 to 80 percent of the work force. Major products included machinery, textiles, apparel, transportation equipment, and food and agricultural products. The Government owns a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization continued to move forward at a measured pace.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. There were some reports of police abuse of detainees, and use of excessive force against ethnic minorities. Accusations of police abuse were investigated by the judiciary. Prisons were overcrowded. The pace of justice was slow, and perpetrators of some serious crimes avoided punishment due to trials that exceed the statute of limitations. Lengthy pretrial detention was a serious problem. The Government has taken steps to combat violence against women and child abuse; however, they remained problems. Societal discrimination against

women and discrimination and sporadic violence against immigrants and other foreigners continued to be problems. Child labor, mainly involving immigrant children, continued in the underground economy, but authorities investigated such reports actively. Trafficking in persons into the country, particularly women and girls for prostitution, was a problem, which the Government took steps to address. Italy was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In December the investigating prosecutor recommended dismissing all charges against a policeman who shot and killed a rioting demonstrator during violent assaults by antiglobalization demonstrators during the July 2001 G-8 summit in Genoa. The prosecutor judged the policeman to have acted in self defense against "imminent and real danger" (see Section 1.d.).

There were a number of deaths in prison (see Section 1.c.).

The Red Brigades, a domestic terrorist movement, was believed to be responsible for the assassination of Marco Biagi in March outside his home in Bologna. The same group claimed responsibility for the 1999 shooting death of Massimo D'Antona outside his home in Rome. Forensic analysis indicated that the same weapon was used in both killings. Both men were respected academics who were employed as senior advisers to the Minister of Labor and had been associated with mainstream trade union organizations. At their September sentencing for other crimes, two Red Brigade members declared that Biagi's death had weakened the Government.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports of incidents in which police abused detainees. According to Amnesty International (AI), police occasionally used excessive force against persons detained in connection with common criminal offenses or in the course of identity checks. While this behavior affected both citizens and foreigners, Africans and Roma were at particular risk (see Section 5).

Judicial investigation of events at mass antiglobalization demonstrations in Naples (March 2001) and Genoa (July 2001) supported charges that some police used deliberate and excessive force on detainees. Some of the worst abuse occurred in connection with a July 2001 police raid at the Diaz school, where the antiglobalization group Genoa Social Forum had its headquarters. Of the approximately 100 detainees, approximately 60 sustained numerous and severe injuries, with additional abuse inflicted as detainees were transported to detention facilities. Although judicial investigators confirmed that abuses occurred, identifying those responsible proved difficult—something that AI stated created "substantial impunity" (see Section 1.d.).

Overcrowded and antiquated prisons continued to be a problem. Fifty-six thousand detainees were incarcerated in a prison system designed to hold 42,100. Older facilities tend to lack outdoor or exercise space, compounding the difficulties of close quarters. Approximately 55 percent of detainees were serving sentences; the other 45 percent consisted mainly of persons awaiting trial or the outcome of an appeal. Thirty percent of inmates were foreigners; however, in some prisons, foreigners outnumbered Italian citizens. In August prisoners in nearly half the prisons staged a coordinated protest against overcrowding and poor conditions and in favor of an amnesty. Nearly one in three prisoners was jailed for a drug violation. Approximately 108 prisoners died while in jail during the year, the same number as in 2001; 52 committed suicide, a 25 percent reduction from the 68 suicides in 2001. An additional 878 unsuccessful suicide attempts and approximately 6,300 acts of self-mutilation also were reported.

Men were held separately from women, and juveniles were held separately from adults; however, pretrial detainees were not held separately from convicted prisoners.

The Government permitted visits by independent human rights organizations, parliamentarians, and the media. Politicians from opposition parties conducted a highly publicized September inspection of prison conditions in connection with prisoner protests of overcrowding. AI, the U.N. Human Rights Commission (UNHRC), the U.N. Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assessed the country's judicial and prison system. The nongovernmental

organization (NGO) Antigone, which is composed primarily of lawyers, magistrates, and academics, promoted the rights of detainees, worked closely with the European Commission for Prevention of Torture, and monitored the prison system.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. However, judicial investigations of violence at March and July 2001 antiglobalization protests suggested that authorities did not always fully respect these rights. One officer testified that a ranking police official ordered him to plant the two Molotov cocktails reportedly found by police during their July 2001 raid on the Diaz school (headquarters of one of the principal groups that organized the antiglobalization demonstrations in connection with the Genoa G-8 summit). Despite conflicting statements from other officers, investigators concluded in October that telephone records and videotape corroborated the testimony. The Molotov cocktails subsequently had been used by police to justify the arrest of 93 individuals detained during the raid. Scientific tests did not corroborate police claims of a knife attack on one of the first officers to enter the school. This alleged assault was cited subsequently as the reason for rough police behavior during the raid that resulted in serious injury to at least 60 of the detained demonstrators. Conflicting testimony by police contributed to the magistrates' decision to place under investigation 29 officers involved in the Diaz raid. An additional 48 officers suspected of committing abuses elsewhere in Genoa during the antiglobalization protests also were placed under investigation.

Warrants are required for arrests unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. Under the law, detainees are allowed prompt and regular access to lawyers of their choosing and to family members. The state provides a lawyer to indigents. Within 24 hours of a suspect's detention, the examining magistrate must decide whether there is enough evidence to proceed to an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. In exceptional circumstances—usually in cases of organized crime figures—where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney. The U.N. Human Rights Committee, the treaty monitoring body for the International Covenant on Civil and Political Rights, recommended in 1998 that this 5-day period be reduced and that all detainees have access to legal advice immediately upon arrest.

There is no provision for bail; however, judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial on a regular basis per a detainee's request and rule whether continued detention is warranted. Persons in detention included not only those awaiting trial, but also individuals awaiting the outcome of a first or second appeal (*see* Section 1.e.). Pretrial detention may last for a maximum of 24 months. The Constitution and the law provide for restitution in cases of unjust detention (*see* Section 1.e.).

Preventive detention can be imposed only as a last resort if there is clear and convincing evidence of a serious offense (such as crimes involving the Mafia or those related to drugs, arms, or subversion) or if there is a risk of an offense being repeated or of evidence being falsified. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody may be imposed only for crimes punishable by a maximum sentence of not less than 4 years. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court. Magistrates' interrogations of persons in custody must be recorded on audio tape or videotape to be admissible in judicial proceedings.

In April Naples prosecutors ordered the preventive detention of eight policemen accused of brutality against March 2001 antiglobalization protestors, reportedly because they were frustrated by police reluctance to supply information. The order generated immediate controversy, in part because circumstances a year after the 2001 events did not appear to satisfy the law's requirements for "preventive" arrest and in part because prosecutors had not taken similar action against violent demonstrators. The arrests prompted protests by Naples policemen, which were supported by national police unions and police demonstrations elsewhere in the country. Revelations that some judicial authorities had taken part in the March 2001 protest prompted charges that investigating magistrates were politically motivated. Justice Minister Castelli wrote to the autonomous judiciary's self-governing body (*see* Section 1.e.) to suggest that prosecutors' plans to attend a May 10 seminar on dissent and globalization, concurrent with their ongoing investigations of the March 2001

protests, were “inopportune.” On May 11, a Naples review court ordered the arrested officers freed; however, they remained under investigation at year’s end.

In early December, a court ordered the release of 18 antiglobalization activists held under investigative detention as flight risks. Critics had charged that their mid-November detention (on possible charges of subversion and conspiracy in connection with violent 2001 protests in Naples and Genoa) amounted to repression of political speech and were another example of lack of judicial independence (*see* Section 1.e.). Also in December, police arrested 23 antiglobalization activists for specific property destruction crimes committed during the 2001 riots in Genoa.

The law prohibits forced exile—either internal or abroad—and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. However, most cases involve long trial delays and the impact of organized crime on the criminal justice system complicates the judicial process.

The judiciary is comprised of professional magistrates who are selected through competitive exams, and in general advance through seniority. Magistrates function either as prosecutors (the executive branch does not perform prosecutorial functions) or trial and appellate judges. It is not unusual for magistrates to switch between these functions over the course of their career. The judiciary is self-governed by the Superior Council of the Magistracy (CSM). Two-thirds of its members are selected by magistrates, the rest by Parliament.

There are three levels of courts. A single judge hears cases at the level of courts of first instance. At the second level, separate courts hear appeals for civil and penal cases. Decisions of the Court of Appeals can be appealed to the highest court, the Court of Cassation (Supreme Court) in Rome, but only for reasons related to correct application of the law, not to a case’s merit. A separate Constitutional Court hears cases involving possible conflict between laws and the Constitution or involving conflicts over the duties or powers of different units of government.

Prosecutors may appeal unfavorable court verdicts, including sentences they deem too lenient. The Constitution gives prosecutors broad latitude to investigate filed complaints and media reports of crimes. Since magistrates cannot investigate every report of a crime, this allows for them to set their own investigative priorities.

The law provides for the right to fair and public trials, and the judiciary generally enforced this right. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All evidence held by prosecutors may be made available to defendants and their attorneys. Defendants may appeal verdicts to the highest appellate court. Trials were slow throughout the country.

Although some observers noted improvement, domestic and European institutions continued to criticize the slow pace of justice in the country. A January analysis by national newspaper *Corriere della Sera* indicated that the average wait for a definitive verdict in a criminal case declined slightly to 1,760 days (slightly less than 5 years). In 2001 the European Court of Human Rights issued 391 judgments against Italy for excessively long proceedings, more than half of the court’s 683 rulings. Observers cited several reasons for delays: The absence of effective limits on the length of pre-trial investigations; the large number of minor offenses included in the penal code; unclear and contradictory legal provisions; prosecutors’ complete freedom to set prosecutorial priorities (and some prosecutors’ decisions to devote inordinate resources to a small number of cases); and insufficient resources, including an inadequate number of judges.

In December an appellate court again convicted two professors for the 1997 shooting death of a student at Rome’s La Sapienza University. In 2001 the Court of Cassazione previously had ordered the case retried after the defendants appealed an earlier appellate conviction.

Reforms passed in 2001 reduced prosecutor’s procedural advantages during trials and addressed problems created by abuses of some anti-Mafia measures, most notably those involving “pentiti,” or Mafia informants. Judges may order the immediate detention of potentially dangerous individuals to reduce intimidation of witnesses and the risks that additional crimes could be committed while cases are under appeal. Pentiti must give testimony in open court, where it can be challenged by defense attorneys, and must provide significant testimony in order to receive benefits such as state protection and, for those convicted of other crimes, reduced sentences.

Despite these reforms, organized crime cases continued to generate controversy. In November an appellate court convicted former prime minister Andreotti of conspiracy to commit murder while simultaneously determining that there was insufficient evidence to convict the alleged murderers. Andreotti previously had been both acquitted and convicted of the charges in other trials stretching back to 1993. The

conviction, based largely on the testimony of pentiti, sparked widespread criticism (including indirectly from the CSM) and calls for additional judicial reform from across the political spectrum.

The Berlusconi government continued to press new reform proposals despite strong opposition from the magistrates. In March Parliament reduced the CSM's membership from 30 to 24 and abolished electoral tickets as the basis for election to the 16 CSM slots held by magistrates. In June magistrates staged a 1-day strike to protest government reform proposals. Those proposals included: Reducing magistrates' ability to switch between the trial judge and prosecutor career tracks, tying magistrates' advancement to merit rather than seniority, and having Parliament set priorities for categories of crimes to be prosecuted. In November the Parliament approved a measure restoring a legal provision that allows defendants to request a change of venue, if they had "legitimate suspicion" of bias by the trial judge. Critics stated that this measure was designed to help Berlusconi delay the remaining case involving his business dealings before he became Prime Minister.

Prime Minister Berlusconi continued to face one trial associated with his business activities prior to taking office the first time in 1994. Several prior cases were dismissed for lack of evidence, for exceeding the statute of limitations, or because the courts judged him innocent of the charges. Berlusconi attributed these cases to the leftist political agendas of some judges. The magistrates and the political opposition, in contrast, accused the Prime Minister of using his position to protect his legal and business interests.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances; violations are subject to legal sanctions. However, after September 11, 2001, Parliament expanded antiterrorist laws to apply to suspects responsible for directing violent acts outside the country's borders and authorized prosecutors to order wiretaps in connection with ongoing investigations. Parliament imposed safeguards to prevent the release of information intercepted without prior judicial authorization to unauthorized persons and forbade its use in criminal proceedings.

In June Parliament discovered that wiretaps were used to probe how journalists acquired leaked information, in addition to investigate criminal allegations. A combination of conservative and liberal parliamentarians and press organizations criticized the autonomous judiciary for having authorized wiretaps that, in the case of an *Il Giornale* reporter—whom the authorities believed had knowledge of a fugitive's whereabouts—lasted 4½ months in 1998. Critics noted that the judiciary authorized 48,000 wiretaps. Privacy Authority Chairman Stefano Rodota warned against the proliferation of electronic surveillance by unobserved video cameras in public places.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, the autonomous judiciary is sensitive to investigative leaks and press criticism and imposes fines for defamation (*see* Section 1.f.). In connection with press leaks, in March and May, judges authorized raids on the homes and offices of journalists working for leading dailies *La Repubblica*, *Corriere della Sera*, and *La Stampa*. Police questioned journalists and seized their laptop computers, mobile telephones, electronic diaries, and paper and digitized archives. Political leaders and press organizations criticized the raids. In 2001 defamation suits against journalists and newspapers amounted to more than \$1.5 billion (1.52 billion euros). The costs to major publications resulting from legal fees and the settlement of lawsuits by successful plaintiffs amounts to an estimated several million dollars annually. Many defamation lawsuits were filed by politicians. In 2001 the highest appeals court ruled that journalists and editors could be sued for defamation for quoting insulting remarks by third parties in their publications. However, another part of the ruling stated that public figures, including prominent politicians, could not utilize this provision.

The media provided a broad spectrum of political opinions, including those critical of Prime Minister Berlusconi and his policies. The press included dozens of newspapers, of which six have nationwide readership. One is controlled by a member of the Berlusconi family. There were three state-supported radio channels and dozens of privately owned ones. However, six of the country's seven national broadcast channels were owned either by Mediaset (a company in which Prime Minister Berlusconi has a major interest) or by the state-owned network (RAI); critics alleged that this allows for the Prime Minister to control the broadcast media. In April

Berlusconi accused two RAI journalists and one RAI comedian of using their broadcast time to attack him personally and expressed the view that the RAI board should prevent such occurrences. The featured programs of the three journalists were not renewed when RAI made programming changes for the subsequent season; one of the journalists claimed this amounted to a restriction on freedom of expression. RAI's three channels historically reflected the views of major political parties, and disputes over partisanship on the airways were a recurrent feature of political discourse.

The country's highest appeals court ruled in 2001 that the Government may block foreign-based Internet sites if they contravene national laws. A 2001 law required registration of online information sites and acceptance of liability by site sponsors. These developments led to a 2-year investigation that resulted in action by the Financial Police who, in July, blocked five U.S.-based web sites that "specialized" in blasphemy against God and the Virgin Mary.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution authorizes the State to enter into relations with non-Catholic religious confessions pursuant to an accord ("intese"), on the basis of which the Government can provide support (including financial support) to the confession; these accords are voluntary, initiated by religious confessions, and do not infringe on the practice of religion. A 1929 agreement between the Catholic Church and the Government, which was revised in 1984, accords the Church certain privileges. For example, the Church can select Catholic religion teachers, whose earnings are paid by the State. The Government has signed accords with several minority religious groups. At year's end, the Buddhist Union and Jehovah's Witnesses awaited Parliamentary ratification of government accords.

The continuing presence of Catholic symbols, such as crucifixes, in many government offices, courtrooms, and other public buildings has drawn criticism and has been the object of lawsuits.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and the law provide for these rights, and the Government generally respected them in practice. The Constitution forbids the deprivation of citizenship for political reasons. Citizens who leave are ensured the right to return. In July Parliament abolished the 1947 Constitution's "transitory provision" barring male heirs of the former king, Umberto I of Savoy, from entering the country, ending what had been the country's sole limit on the freedom of movement of its citizens.

The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, and provided first asylum to refugees fleeing hostilities or natural disasters. Such refugees were granted temporary residence permits, which must be renewed periodically and did not ensure future permanent residence.

In 2001 the Ministry of Interior approved approximately 1,740 asylum requests and denied approximately 18,250 others. Of requests that were approved, approximately 44 percent involved nationals of the former Yugoslavia, Iraq, and Turkey.

Large numbers of illegal immigrants from eastern Europe, North Africa, the Middle East, China, and West Africa continued to arrive, primarily by sea. According to the Interior Ministry, the number of immigrants increased by approximately 30 percent during the year. In the first 6 months of the year, 12,300 illegal immigrants were detained, as compared with 8,400 in the first 6 months of 2001. Many of these immigrants entered the country with the intent to transit to other European Union (EU) countries. Most illegal migrants paid fees to smugglers and many risked death due to unseaworthy vessels or forced disembarkation. At least 42 died in two separate incidents in September within sight of the Sicilian coast. Other illegal immigrants were forced to engage in illegal activities, were paid substandard wages, or forced to work as prostitutes to pay off debts incurred for their passage (see Section 6.f.).

In July Parliament passed a new immigration law that increased penalties for alien smuggling, trafficking, immigration fraud, and employment of illegal immi-

grants (*see* Section 6.f.). The new law also created an agency to coordinate border police operations and combat alien smuggling. According to the Ministry of Interior, authorities repatriated 75,448 illegal immigrants in 2001.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In May 2001, Parliament was elected in elections that were free and democratic. There were numerous political parties that functioned without government restrictions.

There were no restrictions on women's or minorities' participation in government and politics. There were 25 women in the 315-seat Senate and 64 women in the 630-seat Chamber of Deputies; women held 2 of 25 cabinet positions.

In 2000 Parliament approved a constitutional change allowing an estimated 3.9 million citizens abroad to vote and setting aside 12 seats in the 630-seat Chamber of Deputies and 6 in the 315 seat Senate to represent them. Enabling legislation enacted in 2001 set technical details for their absentee participation in the country's next national elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

There were government human rights organizations in the Ministry of Foreign Affairs, the Prime Minister's office, the Privacy Authority, and the Senate had a committee on human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status; however, some societal discrimination against women, persons with disabilities, and Roma persisted.

Women.—Violence against women remained a problem. The NGO Telefono Rosa, which provides a hot line through which abused women may obtain legal, medical, and other assistance, reported that 37 percent of the 1,766 calls it received this year involved physical violence in the home, a decline from 49 percent in 1991, according to a statistical survey taken that year. Thirty-one percent of the cases involved psychological violence and 16 percent, economic violence.

Legislation protects women from physical abuse, including by family members, allows for the prosecution of perpetrators of violence against women, and shields women who have been objects of attack from publicity. The law treats spousal rape in the same manner as any other rape. Law enforcement and judicial authorities are not reluctant to prosecute perpetrators of violence against women, but victims sometimes did not press charges due to fear, shame, or ignorance of the law. According to Telefono Rosa, approximately 3 out of 4 women who experienced violence declined to report it to the authorities. However, Telefono Rosa also noted that the entry of more women into the police force contributed greatly to a willingness of female victims of violence to cooperate with police.

Trafficking of women into the country for prostitution was a growing problem (*see* Section 6.f.).

In 1999 the Labor Ministry and major trade union confederations agreed on a code of conduct regarding sexual harassment in the workplace. The code, which follows an EU recommendation, is attached to national sectoral labor contracts as they are negotiated. Telefono Rosa reports that previous ad hoc sexual harassment provisions in labor contracts worked as a deterrent to workplace harassment both in the public and private sectors.

Women enjoy legal equality with men in marriage, property, and inheritance rights. Males and females enjoy equal access and treatment with regard to education, health, and other government services.

The law regulates night work for women; with some exceptions, women may work at night. These exceptions include pregnant women who are mothers of one or more children below the age of 3, or women with disabilities. As a result of liberal mater-

nity leave laws introduced to benefit women, some employers have found it advantageous to hire men instead. The law on parental leave grants mothers and fathers an equal right to take leave when a child is sick. The law also requires civil service recruiters to explain in writing their motives for hiring or promoting a man rather than a woman as a manager. The rule was designed to promote women's access to the higher echelons of public administration and is to apply in offices where women managers number less than a third of the total. A study during the year indicated that women constituted 51 percent of civil servants but only 24 percent had high-level assignments.

Nevertheless, according to research conducted in 2001 by an independent research center, women's salaries were 26.6 percent lower than men's for comparable work. Women were underrepresented in many fields, such as management, entrepreneurial business and the professions. In public education, women represented 80 percent of the personnel but only 22 percent of general directors, 37 percent of executives, 33 percent of inspectors, and 33 percent of union members. By year's end, the National Statistical Institute (ISTAT) reported that employed women were more likely to have a high school diploma (36 percent) than employed men (31 percent). Employed women did better in higher education; the comparable figures for a university degree are 14.4 percent for women and 10.9 percent for men. In October 12.1 percent of females were unemployed, compared to 6.9 percent of males. Youth unemployment (ages 15 to 24) was 24 percent for men and 32.3 percent for women.

Women in the military have been integrated quickly into the military ranks. Voluntary female military service was introduced in a 1999 law.

A number of government offices worked to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman, and there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focuses on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors had limited resources with which to work. Many NGOs, most of which are affiliated with labor unions or political parties, actively and effectively promoted women's rights.

Children.—The Government demonstrates a strong commitment to children's rights and welfare. Schooling is free and compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum are allowed to shift to vocational training at age 15. This reform was intended to reverse the middle and secondary school dropout rate, which historically has been high. The dropout rate for the academic year 2000–2001 was 4.6 percent.

The abuse of children was a problem; in 2001 the NGO Telefono Azzurro received 511,000 calls related to child abuse. It was estimated that 60 percent of violence against minors was committed within the home. According to a survey by Telefono Azzurro, almost 400 cases involved sexual violence, for which fathers were responsible 31 percent of the time; mothers were responsible 4 percent, and relatives 27 percent. In 78 percent of the cases, the victims were female; almost half were ages 10 or younger. Both public and private social workers counseled abused children and were authorized to take action to protect them. Telefono Azzurro maintains two toll-free hot lines for reporting incidents of child abuse. Research conducted in 2000 on behalf of the Government by a private institute estimated that the number of minors involved in cases of violence (including prostitution) was between 10,000 and 12,000. There were between 1,880 and 2,500 minors who worked as street prostitutes, of whom 1,500 to 2,300 were trafficked into the country and forced into prostitution (see Section 6.f.). The domestic NGO Social Service International assisted in repatriating unaccompanied immigrant minors. Police reported that they monitored 28,200 websites for child pornography and related crimes. Police arrested 23 persons, registered 474 complaints, and conducted 522 searches for internet-based child pornography.

The law provides for the protection of children and there are several government programs to enhance the protection available for minors. The law prohibits pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (see Section 6.f.). The law provides for an information gathering network to collect data on the condition of minors, and there is a legally mandated office in the Ministry of Labor and Welfare that protects the rights of unaccompanied immigrant minors. There are minors offices staffed by trained police (often women) in police stations around the country to offer emergency help for minors and families in distress, as well as advice in dealing with other government social and judicial entities. The law established a special police unit to monitor and prosecute Internet sites devoted to promoting pedophilia.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services, although there was some societal discrimination. Current law, passed in 2000, replaced previous legislation that prohibited discrimination against persons with disabilities in employment, education, or the provision of state services. The law also requires companies having 15 or more employees to hire one or more workers with disabilities: Those with 15 to 35 employees must hire 1 disabled worker, those with 35 to 50 must hire 2, and in larger companies 7 percent of the work force must consist of persons with disabilities. Companies hiring persons with disabilities are granted certain benefits, including lower social security contributions, while the Government pays the cost of worker training. The law also provides for more severe sanctions against violators.

Although the law mandates access to buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage. In April the trade union confederation—Confederazione Generale Italiana del Lavoro (CGIL)—set a precedent by providing sign language interpreters and a reserved area for its hearing impaired members at a major rally.

National/Racial/Ethnic Minorities.—Some traditional minorities, including French- and German-speaking Alpine communities in the north and a mixture of German and Slovene speakers in the northeast, enjoy special autonomous status. The special rights of these areas—respectively the Valle d’Aosta, Trentino Alto Adige, and Friuli Venezia Giulia—include the use of non-Italian languages in government offices and, in Trentino Alto Adige and Valle d’Aosta, in public schools. The law provides for Slovene to be used in government offices and schools.

Roma are another traditional minority but without a specific geographic base or official recognition of their language. There were no accurate statistics on the number of Roma in the country. Roma community members and Roma-oriented NGOs estimated that the population was approximately 120,000, of whom up to 80 percent could be Italian citizens—most of whom can trace their ancestry in the country to the late 14th Century. These Roma tend to live in the central and southern parts of the country. They worked principally as artisans or in small circuses or amusement parks and lived in conditions indistinguishable from those of other Italians.

Additional Roma have immigrated from Eastern Europe. Roma immigrants, or the children of Roma immigrants, are concentrated on the fringes of urban areas in the central and southern parts of the country, living in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities and, in the absence of a police presence, an environment of illegal activity. While many municipalities are building permanent settlements, an absence of programs to promote the integration of immigrant Roma into local communities leaves them isolated on society’s margins. Faced with limited income and job opportunities, and suffering from harassment, some Roma turned to begging or petty crime, which reinforced negative societal attitudes and generated repressive measures by police and some judicial authorities. In 2001 a male Rom was convicted for the 1998 killing of an 11-year-old boy. Press accounts of the police investigation reported that a principal witness offered conflicting versions of the killing. Societal prejudice may have been a factor in the conviction, which in March an appeals court annulled because of trial irregularities.

Increasing immigration, much of it from China, South Asia, North and West Africa, Eastern Europe, the Balkans, Turkey, and the Middle East, altered demographic and cultural patterns in communities across the country and led to some anti-immigrant sentiment. As many migrants are Muslim, religion became an additional factor differentiating them from native-born citizens. Some Catholic prelates contributed to popular reaction by emphasizing the perceived threat posed by immigrants to the country’s “national identity” and what they viewed as the country’s need to favor immigration by Catholics “or at least Christians.”

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace, and workers exercised this right. The unions stated that they represented between 35 and 40 percent of the work force. Trade unions were free of government controls and have no formal ties with political parties. All trade unions are professional trade union organizations that defend trade union interests. Individual trade unionists are free to identify with and support political parties of their choosing.

The law prohibits discrimination by employers against union members and organizers. Dismissals of workers must be justified in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker; in firms employing more than 15 workers, workers have the option to choose be-

tween reinstatement and compensation, whereas in firms with fewer than 15 workers, the employer makes the choice. To encourage small firms to cross this 15-worker threshold, the Government reached an accord in June with the Confederazione Italiana Sindacati dei Lavoratori (CISL), the Unione Italiana del Lavoro (UIL), the Unione Generale del Lavoro (UGL), and other unions (but not the CGIL) to change the law by exempting such firms from this provision's coverage.

Unions associate freely with national and international trade union organizations. The CGIL is the largest national trade union confederation. There are three other confederations: CISL, UIL, and UGL. CGIL, CISL, and UIL are affiliated with the International Confederation of Free Trade Unions (ICFTU); the UGL has been associated with the World Confederation of Labor (WCL).

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to organize and bargain collectively, and workers exercised this right. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation.

The Constitution provides for the right to strike, and this right was exercised frequently. The law restricts strikes affecting essential public services (e.g., transport, sanitation, and health). The law also defines minimum service to be maintained during a strike as 50 percent of normal service, with staffing by at least one-third the normal work force. The law established compulsory cooling off periods and more severe sanctions for violations and covered transport worker unions, lawyers, and self-employed taxi drivers. The law has been effective in preventing complete work stoppages in essential public service sectors on the frequent occasions during the year on which such strikes occurred. However, there were numerous strikes in many sectors during the year, including an April 16 general strike. That protest, which all major unions backed, was called to oppose the Government's liberalization of restrictions on an employer's right to fire workers (*see* Section 6.a.). The unions considered these restrictions an important symbolic right. In July all major trade unions, except CGIL, accepted a limited, experimental liberalization of the restrictions as part of an annual labor pact. In October CGIL staged a national 1-day strike to protest the Government's proposed 2003 budget and to reiterate its opposition to the liberalized dismissal provisions.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred. In March police discovered clandestine Chinese immigrants working under forced circumstances in a textile plant near Rome. Similar discoveries have been made elsewhere in the country, particularly in Tuscany's large Chinese immigrant community (*see* Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law forbids the employment of children under age 15 (with some limited exceptions), and there are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18, and women under age 21; however, these laws were not respected fully in practice. The enforcement of minimum age or other child protection laws is difficult in the extensive underground economy. In June ISTAT issued a report on a child labor survey, conducted in conjunction with the International Labor Organization (ILO), that for the first time provided reliable statistics on child labor in the country. ISTAT reported that approximately 31,500 children—a large number of whom are 14 years old—worked in agriculture (mostly boys) and urban hotels, coffee bars, and restaurants (mostly girls). This child labor occurred primarily within the family, and mistreatment was not a problem. However, ISTAT stated that mistreatment and exploitation were problems for child labor that occurred outside of families, particularly for children of immigrants.

Illegal immigrant child laborers from Northern Africa, the Philippines, Albania, and particularly China continued to enter the country in large numbers, and the influx from China continued to rise. According to the Carabinieri, an estimated 30,000 illegal Chinese worked in sweatshop conditions near Florence, with many minor children working alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Many of these factories, which face threats of infiltration or coercion by Chinese organized crime, were equipped with escape tunnels to thwart labor inspections. Carabinieri officers who worked on child labor used a videocassette program to educate schoolchildren on child labor laws, their rights as specially protected workers, and workplace hazards. Labor Ministry inspections in 2001 of almost 25,000 firms revealed that the employment of approximately 1,000 minors entailed some irregularity of age, occupation, prescribed medical evaluation, or required rest or vacation period. More than 800 people faced charges as a result of the investigations.

The Government, employers' associations, and unions continued their tripartite cooperation on child labor. Their periodic consultations, begun in 1997, cover such matters as better enforcement of school attendance regulations and programs to reduce the number of school dropouts (*see* Section 5); faster assistance for families in financial difficulty; and canceling economic or administrative incentives for companies found to make use of child labor, whether domestically or abroad. The Prime Minister's office provides a toll-free telephone number to report incidents of child labor. The footwear and textile industries and the goldsmith associations have codes of conduct that prohibit the use of child labor in their national and international activities; codes are applicable to subcontractors as well. In 1999 a child labor clause was attached to the national labor contract in the health sector, whereby the parties committed themselves not to use surgical tools produced by child labor.

e. Acceptable Conditions of Work.—Minimum wages are not set by law but by collective bargaining agreements on a sector by sector basis, which specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may step in to determine fair wages on the basis of practice in comparable activities, although this rarely happened in practice. These wages provided a decent standard of living for a worker and family.

The legal workweek is 40 hours; most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek was 39 hours but was actually less in many industries. Overtime work may not exceed 2 hours per day or an average of 12 hours per week. Unless otherwise limited by a collective bargaining agreement, the law sets maximum permissible overtime hours in industrial sector firms at no more than 80 hours per quarter and 250 hours annually.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. For most practical purposes, EU directives on health and safety also have been incorporated into the law. Labor inspectors are from the public health service or from the Ministry of Labor, but they are few in number in view of the scope of their responsibilities. Courts impose fines and sometimes prison terms for violation of health and safety laws. In 2001 the Workmen's Compensation Institute reported an increase of accidents by 1.1 percent over the 2000 figures and a 3.1 percent increase in the number of accidents resulting in death, a trend attributed to increased overall employment. Accidents occurred with the greatest frequency in the underground economy, which employs approximately four million workers. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—There is no law specifically addressing trafficking in persons. However, trafficking may be prosecuted through application of provisions of a 1958 law on prostitution and other articles of the Penal Code. Trafficking in persons for prostitution and forced labor was a problem, which the Government took steps to address. Government officials did not participate in, facilitate, or condone trafficking.

While there is no law that specifically prohibits trafficking in persons, other laws used to prosecute traffickers include laws prohibiting the exploitation of prostitution (the Merlin law), slavery, sexual violence, kidnaping, and assisting the entry of illegal migrants. Cases prosecuted for reduction into slavery can bring penalties of up to 20 years; however, such cases were usually only used for minors because of the difficulty under the law in proving slavery for adults. Penalties for infractions of the Merlin law include 6 years' imprisonment and fines of up to \$10,000 (10,000 euros). The law contains provisions on the exploitation of prostitution, pornography, and sexual tourism to the detriment of minors with penalties of up to 20 years. In July Parliament approved a new immigration law (*see* Section 2.d.) that strengthened penalties to combat alien smuggling and human trafficking. Smugglers would face sentences of 4 to 12 years, and fines up to \$15,000 (15,000 euros), for each alien smuggled. Higher penalties (5 to 15 years, fines of up to \$25,000 (25,000 euros) per alien) would apply to trafficking involving minors or people destined for prostitution. Since this law was newly enacted, there were no statistics available for its efficacy.

The Government investigated and prosecuted many cases against traffickers using existing laws (except the new immigration legislation), primarily using the Merlin law. Some prosecutions resulted in convictions. There were no statistics for the number of prosecutions that ended in sentencing. The Government also cooperated with foreign governments investigating and prosecuting trafficking cases. In early October, the Government announced the results of "Operation Sunflower Two." The operation covered Germany, Austria, Poland, the Ukraine, and 10 regions in the country by Italian Carabinieri (policeman) in conjunction with Europol forces from the aforementioned countries and resulted in 80 arrests in the country. In December

Parliament approved a permanent law applying special prison conditions to traffickers. The measures, previously limited to Mafia members, were designed to limit criminals' ability to continue their operations from jail.

The Ministry of Equal Opportunity leads an intergovernmental committee charged with monitoring trafficking and coordinating government activity to combat it. Other members include the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs, as well as a special anti-Mafia prosecutorial unit. Major lay and Catholic NGOs concerned with trafficking, among which Parsec and Caritas were the most active, cooperated with this body. There were no statistics from either the Government or from NGOs to show the extent of the trafficking problem.

Italy was a country of destination and a transit point for trafficked persons. According to the social research institute, Parsec, exact statistics on women and children involved in prostitution have not been updated since 1998. Estimates are in the range of 2,000 persons a year. However, press reports on Operation Sunflower Two stated up to 50,000 persons from just Russia and Ukraine were trafficked to the country in 2001, although no source was provided for this statistic.

Trafficking in persons for the purpose of sexual exploitation involved economically and socially vulnerable, illegal immigrants, mostly from Nigeria, Albania, Eastern Europe (Moldova, Ukraine, Russia, Romania, Bulgaria), China, and South America (Ecuador, Peru, Colombia). Trafficked persons arrived to the country by boat, bus, or airplane. Victims of trafficking endured the classic conditions of trafficked persons: Lured to Western Europe with promises of a job, or sold by relatives/friends/acquaintances, they were then forced into prostitution, laboring in restaurants or sweatshops, or begging on the streets. Their traffickers enforced their compliance by taking their documents, beating and raping them, threatening their families, or frightening them with voodoo rites. Some trafficked women were killed when they showed opposition or went to the authorities.

Trafficking in children for sweatshop labor was a particular problem in Tuscany's expanding Chinese immigrant community, where children were considered to be part of the family "production unit" (see Section 6.d.).

One of the reasons for the lack of statistics is that criminal organizations moved trafficked persons around the country. Prostitution gangs have established routes to move prostitutes from city to city, making it harder for police to identify and track trafficked persons. Trafficked persons were not in one place long enough for police to garner their confidence and break up a route. Three north-south axes (focused along the Adriatic and Tyrrhenian coasts) and three east-west axes were identified as routes that gangs used.

Organized criminal groups, both large and small, were behind most trafficking in the country, particularly from Albania. Trafficked persons from Nigeria usually were controlled by a madam, usually a former trafficked person, who held the lien on the loan that was paid for the trafficked person. They had to work off their debt to her before they were "freed."

According to a recent article in *Il Giornale*, 19 Italian diplomatic posts were investigated for visa fraud over the past 3 years; however, a direct connection of government officials in trafficking was not established. A number of employees remained under investigation in connection with the sale of visas. There was no evidence of official, institutional, or government involvement in trafficking.

Victims of trafficking who were in the sex trade faced the attending health risks resulting from unsafe or unprotected sex. They usually were out on the streets day and night in all sorts of inclement weather. They generally did not go to health centers or doctors. Trafficking victims in the Tuscany region working in sweatshops possibly were exposed to dangerous chemicals in the leather tanning and working industry. Due to the long hours they worked in close proximity to possibly dangerous machinery, there were health risks to life and limb.

The law provides temporary residence/work permits to persons who seek to escape their exploiters. Victims were encouraged to file complaints and there are no legal impediments for them to do so. If a complaint is lodged, victims usually did not face prosecution for any laws they have broken. There was still some deportation of victims, particularly involving Nigerian prostitutes. Repatriated victims do face problems in their home countries; this is particularly true in Nigeria and Albania. There was a growing problem of recognizing victims' rights when the victims have broken immigration laws. This concern was raised by NGOs as more deportations occurred during the year, and the Government has strengthened illegal immigration laws. The NGOs alleged that not enough time was allowed: Between apprehending illegal immigrants and deporting them; discovering if the people who have broken immigration laws also have been trafficked; obtaining information on their traffickers; and informing them of their rights as victims before they were deported. The Government did provide legal and medical assistance once a person has been identified

as having been trafficked. There were shelters and programs for job training. There also were assistance and incentive programs to those willing to return to their home country.

The Government, in conjunction with other governments and NGOs, worked to orchestrate awareness campaigns. In March the country hosted a preliminary session of the EU STOP program culminating in a September meeting in Brussels on trafficking. On July 11–12, a group of NGOs, representatives from the Ministry of Foreign Affairs, and the City of Rome, hosted a conference to address trafficking of children, with an emphasis on identifying and reporting patterns of trafficking into and within the country for purposes of prostitution and child slavery. The event was attended by more than a dozen organizations, including the Lelio Basso Foundation, Terre des Hommes Italia and Save the Children Italia (co-sponsors), the ILO, International Organization for Migration, Caritas, and UNICEF. Representatives from national and regional governments of Albania and Romania also were present.

KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev was the dominant political figure. The Constitution permits the President to control the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution required the President's consent. President Nazarbayev was elected to a 7-year term in a 1999 election that fell far short of international standards. The law allows the President to maintain certain policy prerogatives and a seat on the Security Council after he leaves office. The Constitution limits Parliament's powers by precluding it from appropriating state money or lowering taxes without executive branch approval. However, Members of Parliament (M.P.s) had the right to introduce legislation, and some bills introduced by M.P.s have become laws. Parliamentary elections in 1999 were an improvement over the presidential election but fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE). In 2001 experimental local akim (county-level leader) elections were held in some rural areas. Parliamentary by-elections in December were marked by serious irregularities; preliminary results of the elections conflicted with independent exit polling. The judiciary remained under the control of the President and the executive branch.

The Committee for National Security (KNB) was responsible for national security, intelligence, and counterintelligence. The KNB also played a law enforcement role in border security, internal security, and antiterrorism efforts and oversaw the external intelligence service, Barlau. The Chairman of the KNB reported directly to the President. The Ministry of Interior (MVD) supervised the police, who were poorly paid and widely believed to be corrupt. Members of the security forces committed human rights abuses.

The country undertook significant market-based economic reforms since independence: many businesses and industries were privatized, restrictions on currency convertibility removed, and wage rates were allowed to be determined by market forces. The population was approximately 14.8 million. The economy was mainly driven by revenue from the country's vast energy and mineral resources. Agriculture, which represented approximately 10 percent of gross domestic product (GDP), was slower to reform because the Government had not established a legal basis for private ownership of agricultural land. The average monthly wage in the second quarter of the year was \$131. During the year, about 29.4 percent of the population lived below the minimum subsistence level, compared with 32 percent in 2001. Real GDP growth was estimated at 9.5 percent, while inflation was 6.6 percent during the year. The official unemployment rate was 8.3 percent.

The Government's poor human rights record worsened, and it continued to commit abuses. The Government severely limited citizens' right to change their government and democratic institutions remained weak. Members of the security forces mistreated detainees on some occasions. Police tortured, beat, and otherwise mistreated detainees. Government officials acknowledged that abuses by police constituted a serious problem. Prison conditions remained harsh; however, the Government took an active role in efforts to improve prison conditions and the treatment of prisoners. The Government continued to use arbitrary arrest and detention, and prolonged detention was a problem. Corruption in the judiciary remained deeply rooted. Amendments to several laws governing the authority of prosecutors further eroded judicial independence by, among other provisions, allowing prosecutors to suspend court verdicts. The Government infringed on citizens' privacy rights, and new legislation granted prosecutors broad authorities to monitor individuals.

There were instances when the Government harassed independent media, and as a consequence, many journalists practiced self-censorship. Several opposition news outlets were attacked and/or had operations suspended during the year. The Government restricted freedom of assembly and association. The Government limited democratic expression and continued to impose restrictions on the registration of political parties. Although the Constitutional Council deemed unconstitutional restrictive amendments to the Religion Law in April, at times local authorities harassed nontraditional religious groups or their members. Some human rights observers reported that the Government monitored their activities.

Violence against women, including domestic violence, was a serious problem. There was discrimination against women, persons with disabilities, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. Child labor persisted in agricultural areas. Trafficking in women and children, primarily teenage girls, was a problem, although the Government continued to take steps to address the problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, there were reports that police used excessive force that led to some deaths of persons in and out of custody. Information on deaths in the military as a result of mistreatment was unavailable at year's end.

One case of possible death due to excessive force by the security services was reported. On May 5, 18-year-old Andrey Cherniy died after allegedly being beaten by a Pavlodar police captain at a local disco where the police captain was on duty. Local press reported that Pavlodar police denied that the beating took place, although an eyewitness continued to maintain it did. In June police closed their investigation on the basis of conflicting eyewitness testimony and lack of forensic evidence.

There were no reports of killings in custody. During the year, the Prosecutor General reopened the case in the 2001 death of Kanat Biyembetov, who died in a Turkistan hospital following his arrest by the KNB on suspicion of being a member of an extremist group. According to signed statements by Biyembetov and his family, arresting KNB officers beat him. The KNB officers alleged that Biyembetov sustained his injuries when he jumped from a moving police car. The Government reported that Turkistan district KNB officers had violated the law and two officers were fired. No criminal charges were brought against them. The case had been closed by the MVD, but the Prosecutor's investigation continued at year's end.

There were deaths of some persons while detained or in custody. Many of these were from disease while in prison.

On June 21, 25-year-old Leila Bayseitova, the daughter of a prominent opposition journalist, died in an Almaty hospital after being taken there from police custody. She was arrested on June 16 on drug possession charges. A police investigation concluded that she tried to hang herself in her jail cell as a result of a severe drug withdrawal reaction (*see* Section 2.a.).

On September 11, 28-year-old Vladislav Shishov died while being held in police custody in Pavlodar. Police originally maintained that he had died suffering from violent seizures, but in December police arrested two of Shishov's cellmates for beating him continuously for 4 days. Criminal negligence charges were also filed against a medical assistant on duty at the time of death, who admitted responsibility, and the head of the detention center, who denied the charge.

In 2001 a police sergeant was acquitted on charges of inflicting bodily harm in the 2000 death of Boris Bekov. The prosecutor appealed to the Supreme Court, which ordered the district court in July to retry the case, considering evidence excluded from the first trial. The police sergeant's lawyer maintained that other officers should have been charged as well.

Additional information became available during the year about the 1999 beating death of 24-year-old Nurzhan Saparov, who was in custody following his arrest for disturbing the peace in Makhtaaralsk (Southern Kazakhstan Oblast). According to the Government, four police officers were imprisoned in 2000 for illegal detention and the fatal beating. Saparov's mother disputed this information, saying one officer was freed after serving only 2½ years of a 9-year sentence for abuse of power and premeditated murder, while three others were sentenced to 3 years probation for misconduct but then amnestied immediately.

In the 2001 killing of Dilbirim Samsakovaya, director of a charitable Uighur foundation and a well-known Uighur community activist, police reported in April that

a suspect had been identified, but not apprehended. Police stated earlier that they believed that the killing was related to Samsakovaya's personal or business dealings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution states that no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity; however, police tortured, beat, and otherwise abused detainees, often in order to obtain confessions. Prison officials beat and mistreated prisoners.

Government officials acknowledged the seriousness of the problem of police abuse and undertook some efforts to combat it, for example by punishing violators through the criminal justice system. According to a Vice Minister of Interior, 100 criminal charges were placed against police officers for the unlawful use of physical force against citizens during the first 8 months of the year. According to the Deputy Prosecutor, 38 of these were new cases filed during the year. Human rights observers believed that these cases covered only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police were very low, and individual law enforcement officials often were supervised poorly. Law enforcement officers participating in a government conference on pretrial detention facilities in 2001 noted that beatings by officials were common in such facilities (*see* Section 1.d.).

On December 21, the President signed the Law on Amendments and Additions to the Criminal, Criminal Procedure, and Criminal Executive Codes which expanded the definition of torture and criminalized the deliberate infliction of physical or psychological suffering by an investigator or other official aimed at extracting a confession. The law was developed with assistance from human rights groups. The law, which had been submitted to Parliament in September, amended the Criminal Code to provide for more extensive use of alternative sentencing by reclassifying punishment requirements for more than 100 crimes.

In an April interview that appeared in the official press, the Deputy Prosecutor in Pavlodar Oblast (province) cited specific instances where police had resorted to beatings and torture. In one case, two officers shocked a suspect with electric cables to force a confession after they had planted evidence on him. One of the officers was sentenced to 5 years in prison and the other escaped. A second case cited the use of suffocation as an interrogation technique; the police officer involved was sentenced to 3 years in prison. The names of the victims of these incidents were not disclosed.

On May 5, 18-year-old Andrey Cherniy died after allegedly being beaten by a Pavlodar police captain some days before at a local disco where the police captain was on duty (*see* Section 1.a.).

During the year, the Prosecutor General reopened the case in the 2001 death of Kanat Biyembitov after his arrest by the KNB on suspicion of being a member of an extremist group (*see* Section 1.a.).

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse. No statistics were available on the extent of the problem. In 2000 the Government began a program to improve the training of military forces on social and legal issues in order to reduce hazing. The Army punished violators of its antihazing policy, and the Government occasionally took action against officials charged with abuses, often levying administrative sanctions such as fines on those found guilty. In October an official TV station reported a September beating of an Army private at a military unit in Pavlodar. The hospital where he underwent surgery for kidney damage provided him with documents attesting to his injury after two Mazhilis deputies intervened. It is unclear whether the private filed a complaint. In November the press reported several military court prosecutions for hazing in Aktobe Oblast; the names of the military officials involved were not disclosed.

Prison conditions remained harsh and sometimes life threatening, although there were some signs of improvements during the year. Some instances of mistreatment occurred in pretrial detention facilities and in prisons. Guards were poorly paid and often did not have sufficient experience to supervise large groups of prisoners. Violent crime among prisoners was common. During the year there were approximately 65,000 prisoners in facilities designed to hold at least 1,000 fewer persons. A general amnesty announced in late 2001 for the 10th anniversary of the country's independence released over 10,000 persons from prisons during the year, while even more did not serve terms for which they were sentenced.

Prisons remained overcrowded. Prisoners were housed in close proximity, barracks-style facilities. The head of the Criminal Corrections Committee in the Min-

istry of Justice said in July that government funds were allocated to build new correctional facilities with prison cells. Facilities rehabilitated with government funds included maximum-security penitentiaries in Zarechniy (Almaty Oblast) and Uralsk; a general-security penitentiary in Zhambyl Oblast; and a juvenile facility in Karaganda Oblast. A new women's and a new juvenile penitentiary in Eastern Kazakhstan Oblast also opened during the year. Reconstruction continued at a general-security penitentiary in Pavlodar Oblast and a juvenile facility in Aktau. Fifty percent of the prison population served their terms in facilities that, contrary to the law, were not near their places of residence.

In the past several years, the adequacy of prison diets and availability of medical supplies improved. In addition, the Government initiated training programs for prison medical staff. There were five tuberculosis colonies and three tuberculosis hospitals for prisoners. While the incidence of tuberculosis stabilized, HIV and AIDS was a growing problem. Prisoners were permitted to have visitors. The number and duration of visits depended on the security level of the prison and the type of sentence received. This could range from unlimited visits of short- (3 hours) and long-term (up to 3 days) duration for some prisoners to two each of short- and long-term duration a year for prisoners at maximum-security facilities. Prisoners were permitted to use telephones.

On January 1, control of the prison system moved to the Ministry of Justice from the MVD, in accordance with international standards. The Ministry of Justice has been active in improving prison conditions since the transfer, including through human rights training for its employees in each oblast, an extensive rehabilitation program of facilities, and cooperation with international organizations. However, control of pretrial detention facilities remained with the MVD. The Minister of Interior stated in a September interview that such facilities should not be transferred to the Ministry of Justice for some time, since they were a key tool of investigators in uncovering crimes. The head of the Criminal Corrections Committee responded that investigators would still have access to these facilities under the Ministry of Justice, and that the guards in such facilities were not investigators.

Reported incidents of self-mutilation in prisons to protest conditions declined during the year. Government statistics on self-mutilation generally matched information available to NGOs and human rights monitors. According to the head of the prison system, there were 14 such cases in the first half of the year, compared with 100 in 2001. Statistics for the entire year were not yet available. The MVD did not provide similar statistics for pretrial detention facilities that remained under its control.

On April 8, 28 inmates at a Karaganda pretrial detention facility slashed their abdomens to protest their transfer to the Dolinka 151/7 maximum-security penitentiary in the oblast, where they reportedly believed the rights of prisoners were not respected. In May three inmates at Dolinka also slashed their abdomens. In the former incident, the oblast prosecutor and the MVD initiated an investigation. The prison warden was reportedly fired and the regional prison director punished for negligence as the result of that investigation.

In August approximately 70 inmates at Juvenile Penitentiary 163/3 in Aktobe rioted to protest the failure of the prison administration to investigate the suicide of an inmate who had repeatedly complained of beatings by prison officials. To resolve the riot, the head of the facility was removed from his position and the administration promised to launch an investigation. The investigation reportedly led to the firing of the prison warden and punishment of the regional director for the prison system for negligence.

The Government was active in pursuing penal reform and projects to improve prison conditions. During the year, the Government, together with the OSCE and the international NGO Penal Reform International (PRI), continued projects providing medical and human rights training to prison officials. The Government, in cooperation with the PRI and the OSCE, expanded the Pavlodar prison personnel training project to all of the country's oblasts. The Government, again in conjunction with OSCE, held seminars during the year for the directors of pretrial detention facilities in the oblast seats of Kyzyl-Orda and Aktobe and the cities of Astana and Almaty on international standards at such facilities. The series of seminars began in late 2001 with a session in Pavlodar.

The prison (Criminal Corrections) system under the Ministry of Justice consisted almost exclusively of dormitory-style penitentiaries (including general and maximum-security facilities, and women's and juvenile facilities); there was also one maximum-security prison. There were separate facilities for men and women, and juveniles were held separately from adults. There were no special prisons for political prisoners. The MVD administered both pretrial detention facilities and police

detention facilities, which were separate from facilities for convicted criminals administered by the Ministry of Justice.

Although there was no known statutory requirement, human rights observers and journalists wishing to visit prisons must receive authorization; observers and journalists generally were allowed access to penal colonies, except during protests. Access to pretrial detention centers, which were controlled by the MVD, sometimes was denied. Prison administrators were hesitant to allow civilians into the maximum-security facilities for reasons of personal security. The Kazakhstan International Bureau for Human Rights and Rule of Law visited men's, women's, and juveniles' facilities during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary detention remained a problem. In a series of seminars on pretrial detention facilities held by the Government with participation from the OSCE, the Bureau for Human Rights, and PRI, law enforcement officials stated that cases of violation of detainees' rights and illegal detentions were common.

The Government arrested and detained government opponents and critics, sometimes for minor infractions of the law such as unsanctioned assembly (*see* Section 2.b.).

Oleg Okhulkov, a lawyer known to provide legal assistance to opposition figures, was held in pretrial detention from December 2000 until his conviction on April 16 for fraud in connection with a civil suit. The Kazakhstan International Bureau for Human Rights filed an appeal with the Prosecutor General to reconsider the case; that appeal was denied in December. Okhulkov's time in pretrial detention was counted toward his 5-year prison sentence.

The Constitution provides that arrests and detentions may occur only with the sanction of a court or a prosecutor. Human rights observers alleged that police routinely failed to register the name of a person arrested in order to extend the maximum 72-hour period that a person could be held without the approval of the prosecutor. The official Russian-language press reported in 2001 on an investigation into detentions by the Zhambyl Oblast Prosecutor General's Office. The office found that oblast police illegally detained more than 3,500 persons and that in some cases the registration logs of detainees were falsified. Disciplinary action reportedly was taken against police officers who were found at fault.

The Constitution also provides that every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation (*see* Section 1.e.). While this right generally was respected in practice, human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney or gathered evidence through preliminary questioning before the person's attorney arrived and the formal interrogation began. Police were not required under the law or in practice to inform detainees that they had the right to an attorney.

A bail system exists, but was rarely used. Individuals generally remained in pretrial detention until their trial. The Deputy Prosecutor stated that 56 persons were released on bail in the first 8 months of the year, compared with 73 during 2001.

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Procedure Code allows continued detention for much longer periods with the approval of the Prosecutor General. Lower-ranking prosecutors may approve interim extensions of detention. The Criminal Procedure Code allows persons to be held for up to 1 year in pretrial detention facilities after they have been charged and were awaiting trial, with the sanction of the prosecutor. There were improvements in the respect for time limits on detentions, although individuals could still be held for weeks or months.

The MVD administered pretrial detention centers. Local human rights NGOs generally had access to pretrial detention facilities; however, there were reports of some individuals who had difficulty gaining access. Conditions and treatment in pretrial facilities remained harsh, although the Ministry actively participated in training seminars on international human rights standards for the directors of such facilities. There were more than 14,000 persons in pretrial detention centers during the year, several thousand fewer than in previous years. In September the Minister of Interior stated that, unlike the prisons, pretrial detention facilities should not be transferred to the Ministry of Justice for some time because investigators rely on such facilities to gather evidence (*see* Section 1.c.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The court system's independence was compromised by legislative, administrative, and constitutional arrangements that in

practice subjugate the judiciary to the executive branch of government. On August 9, new legislation covering the authority of prosecutors went into effect. The new law grants a quasi-judicial role to the Prosecutor General by, among other provisions, allowing him and his deputies to suspend court decisions. There was no time period specified for referral back to the court for a retrial. By allowing the Prosecutor General to suspend court decisions without specifying a time period for mandatory referral back to the court, the new law further undermined the independence of the judiciary.

Corruption was evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors, and other officials solicited bribes in exchange for favorable rulings in nearly all criminal cases. Nonetheless, judges were among the most highly paid government employees. District court judges earned approximately \$300 (45,540 tenge) per month and oblast court judges earned almost \$500 (75,900 tenge) per month; Supreme Court judges could earn more than twice that. According to a November 2001 poll conducted by the Association of Political Scientists and Sociologists, only 17 percent of respondents described the court system as completely or partly free of corruption.

There are three levels in the court system: Local, oblast, and the Supreme Court. Local courts try less serious crimes, such as petty theft and vandalism. Oblast courts handle more serious crimes, such as murder, grand theft, and organized criminal activities. The oblast courts also may handle cases in rural areas where no local courts were organized. Judgments of the local courts may be appealed to the oblast-level courts, while those of the oblast courts may be appealed to the Supreme Court. There were also military courts.

According to the Constitution, the President proposes to the upper house of Parliament (the Senate) nominees for the Supreme Court. Specifically nominees were recommended by the Supreme Judicial Council, which includes the chairman of the Constitutional Council, the chairman of the Supreme Court, the Prosecutor General, the Minister of Justice, senators, judges, and other persons appointed by the President. The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The list was based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the Mazhilis, judges, public prosecutors, legal experts, and Ministry of Justice officials. The President appoints the Collegium chairman.

Under the law judges were appointed for life, although in practice this means until mandatory retirement at age 65. Procedures to remove judges were established by a December 2000 law, which specifies that the Chairman of the Supreme Court can initiate disciplinary cases against judges; Oblast Court Chairmen may initiate the procedure for judges within an oblast. Judicial collegiums review the cases and can recommend dismissal. Dismissal decisions were made by presidential decree, except in cases of members of the Supreme Court, for whom a presidential proposal to dismiss must be confirmed by the Senate. The law lists the grounds for which a removal action can be taken.

The Constitution provides for the Constitutional Council to rule on election and referendum challenges, to interpret the Constitution, and to determine the constitutionality of laws adopted by Parliament. The President directly appointed three of its seven members, including the chairman, and had the right of veto over Council decisions. The Council could overturn a presidential veto if at least two-thirds (five) of its members voted to do so. Therefore, at least one presidential appointee had to vote to overturn the President's veto for the Council to overrule the President. Citizens did not have the right to appeal to the Council regarding the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, chairman of the Senate, chairman of the Mazhilis, Prime Minister, one-fifth of the members of Parliament, or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

The Constitution and the law establish the necessary procedures for a fair trial; however, trials often were not fair in practice. Trials were public with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen had to be protected. The Constitution gives defendants the right to counsel and states that for those who cannot afford an attorney, the Government must provide one free of charge. However, there was no system of public defenders, and as a consequence lawyers were reluctant to take state-assigned cases when the Government often did not provide payment for their services. A Ministry of Justice official acknowledged that access

to lawyers was a serious problem during a 2001 conference and said that a system of public defenders was being developed. According to the Constitution, defendants also have the right to be present at their trials, the right to be heard in court, and the right to call witnesses for the defense.

Defendants enjoyed a presumption of innocence, were protected from self-incrimination, and had the right to appeal a decision to a higher court. Legal proceedings were conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. In most cases, these rights were generally respected.

A Supreme Court interpretive decision during the year began requiring courts to base their legal reasoning on arguments presented by both the defense and prosecution, in accordance with the law. The Court had found a disproportionately high volume of written court decisions based only on the prosecution's case.

The Government selectively prosecuted political opponents. Two founding members of the Democratic Choice for Kazakhstan (DVK) movement were arrested in late March (*see* Section 2.b.). Both underwent trials during the summer and were convicted. Mukhtar Ablyazov, former Minister of Energy, was convicted by the Supreme Court of abuse of power and sentenced to 6 years in prison. Galymzhan Zhakiyanov, former Akim (Governor) of Pavlodar Oblast, was convicted on corruption charges in late July and sentenced to 7 years in prison. A minister also was arrested and lost his job during the year on suspicion of corruption; unlike Ablyazov and Zhakiyanov, he remained free on his own recognizance while a criminal investigation was carried out. International organizations and foreign governments, while not commenting on the guilt or innocence of either defendant, criticized the timing of the Government actions. The arrests came years after the alleged crimes were committed, but only months after Ablyazov and Zhakiyanov founded an opposition political movement. In a televised appearance on September 20, President Nazarbayev stated that corrupt officials "rush to set up political parties in order to use them as cover."

Observers at the trials reported that both the judicial process and the judges themselves, particularly in the case of Zhakiyanov, heavily favored the State's case. The force of subpoena during the trials only applied to prosecution witnesses and many of the witnesses, mainly government officials, stated during testimony in court that they had been intimidated during the investigation by the threat of legal action. Many witnesses also contradicted in court their testimony during the investigations. Most motions filed by the defense were denied.

Zhakiyanov was transferred to a prison facility in Kostanay Oblast in September. He and Ablyazov remained imprisoned at year's end. President Nazarbayev stated before the trials began that he would consider exercising his constitutional power of pardon should the courts find them guilty and should they ask him for it. Local human rights groups lobbied international human rights organizations extensively to have Zhakiyanov and Ablyazov declared political prisoners.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government occasionally infringed on these rights. The Constitution provides that citizens have the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph, and other messages; however, the limitation of this right was allowed in cases and according to procedures directly established by law. Laws provide that only the Prosecutor can approve limitations of these rights when they are necessary for investigative purposes. Courts may hear an appeal on such decisions by prosecutors, but cannot issue an immediate injunction to cease the limitation of rights.

New legislation on prosecutors, enacted on August 9 after a Constitutional Council review upon the request of 24 parliamentary deputies, expanded the authority of prosecutors to limit citizens' constitutional rights. The KNB, Ministry of Interior, Financial Police, and other agencies, with the concurrence of the Prosecutor General's Office, maintained their authority under the new law to infringe on the secrecy of writings, telephone conversations, telegraphic communications, and postal dispatches, as well as the inviolability of the home. The new law expanded that list to include access to confidential bank records, the freezing of bank assets, and explicit authorization to record conversations secretly and to wiretap and record communications by telephone and other devices. The Criminal Procedure Code continued to allow for investigative measures affecting the legally protected secrecy of telephonic conversations without a prosecutor's warrant only in certain urgent cases; in such cases, the Prosecutor is to be notified of the interception of conversations within 24 hours. The new law added the explicit definition of methods.

On occasion, government opponents reported that the Government monitored their movements and telephone calls. In one such instance, opposition activist Nurbulat Masanov was sued for libel after a tape originating from an alleged wiretap on his cellular phone was distributed. In June an Almaty court found Masanov guilty of slander based on comments from the tape; he was ordered to pay a fine of \$65 (10,000 tenge) and publish an apology. Masanov's appeals, which went up to the Supreme Court, were denied and a criminal contempt case opened against him in August for refusal to publish the apology. At a 2001 press conference, Masanov claimed that his telephone had been wiretapped for 2 years.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the Media Law provide for freedom of speech and of the press; however, throughout the year, the Government used a variety of means, including criminal and administrative charges, and, observers reported, the use of physical attacks and vandalism to silence its critics. As a consequence, many journalists practiced self-censorship.

The Media Law reaffirms the constitutional provision for free speech and prohibits censorship; however, the Media Law enabled the Government to restrict media content. For example, amendments enacted in 2001 codify the constitutional prohibition on the mass media from undermining state security or advocating class, social, race, national, or religious superiority or "a cult of cruelty and violence." The amendments also establish that owners, editors, distributors, and journalists may be held civilly and criminally responsible for content, regardless of the source of information. The law defines websites as mass media, although they were specifically excluded from some of the law's provisions. The Media Law also prohibits violence and all pornography from television broadcasts. The law also requires all media to register with the Government, although websites were exempted from this requirement. President Nazarbayev said in August that the Media Law should be amended again to further define journalists' responsibility not to undermine the State and to create a journalistic code of ethics.

The Law on National Security gives the Prosecutor General the authority to suspend the activity of news media that undermines national security; however, this authority has never been invoked. A 1999 State Secrets Law established a list of government secrets, the release of which is proscribed in the Criminal Code. The law defines, for example, certain foreign policy information as secret if disclosure of this information might lead to diplomatic complications for one of the parties. The list of state secrets enumerated in the law includes all information about the health, financial, and private life of the President and his family. Also defined as state secrets is economic information such as the volumes of national mineral reserves and the amount of government debt owed to foreign creditors.

The Media Law amendments, signed by the President in 2001, limited the rebroadcast of foreign-produced programming. The amendments require a graduated reduction in rebroadcast of foreign programming: 50 percent beginning January 1 and 20 percent by January 1, 2003. Some media outlets were sanctioned under this provision during the year, although the Government stated that the majority of outlets were compliant.

The 1997 Language Law established that the amount of time television and radio stations broadcast in the state language (Kazakh) must not be less than the sum of the volumes of transmissions in other languages. The same wording appears in the Media Law, which allowed its enforcement from the beginning of the year. The Ministry of Culture, Information, and Public Accord monitored compliance with this requirement and sanctioned some violators during the year with 6-month license suspensions.

A new Administrative Code, adopted in 2001, charges the Ministry of Culture with oversight over administrative violations of the media. The code allows the Ministry to suspend the activity of a media outlet for 3 days while preparing a legal case and to confiscate newspaper print runs.

During the year, there were several serious incidents involving journalists that were critical of government leaders or their relatives.

On June 21, 25-year-old Leila Bayseitova, daughter of opposition journalist Lira Bayseitova, died in an Almaty hospital, after being taken there from police custody. She was arrested on June 16 on charges of drug possession. The police asserted that she tried to hang herself in her jail cell as a result of a severe drug withdrawal reaction and closed the case in July. An August investigation by an independent, international NGO found that the police explanation could not be verified without a forensic autopsy and a reconstruction of the incident. In December the Government invited foreign government forensic experts to conduct another independent evaluation. These experts concluded that the police version of events was possible, includ-

ing evidence of the victim's drug use as police had claimed. Neither investigation established that Bayseitova's death was linked to her mother's journalism (*see* Section 1.d.).

In July the KNB opened an investigation against independent journalist Sergey Duvanov for an article critical of President Nazarbayev that he published on an opposition website. On August 29, three unknown persons attacked Duvanov in the darkened hallway outside his apartment. The assailants carved a cross and several other marks on Duvanov's chest and allegedly told Duvanov that he was aware of why they were attacking him. President Nazarbayev denounced this attack, calling it a provocation, and charged Interior Minister Suleymenov with personally leading the investigation. Suleymenov said publicly that members of the opposition had orchestrated the attack in an effort to discredit the Government. No arrests had been made in the case by the end of the year.

On October 29, Duvanov was arrested and charged several days later with the rape of an underage girl. His supporters argued that the charge was fabricated, while others demanded justice for the young alleged victim. International organizations and human rights groups were critical of the charge, noting a pattern of harassment of Duvanov during the year, and pressed the Government to conduct an impartial and transparent investigation. Court proceedings began on December 24, but were postponed until the 2003 to give Duvanov's lawyers opportunity to review the investigative materials.

The Government did not permit individuals to criticize the country's leadership and, early in the year, enforced laws limiting this aspect of freedom of speech. The Constitution provides for the protection of the dignity of the President, and the law prohibits insulting the President and other officials. Media outlets generally practiced self-censorship regarding information on the President and his family to avoid possible legal problems. Most media did not present the story, which had been widely reported internationally in 2000 and developed during the year, about foreign investigations into possible illicit payments from abroad to senior government officials, including President Nazarbayev. Local media outlets, when they did report on these charges, informally dubbed them Kazakhgate. Most media did carry an April speech before Parliament by Prime Minister Tasmagambetov claiming that a billion-dollar secret Swiss bank account in the President's name was for state emergencies.

During the year, several criminal investigations began under Section 318 of the Criminal Code, which prohibits insulting the honor and dignity of the President. A conviction carries a maximum 3-year jail term. In at least two of these cases, charges were filed, and those accused appeared in court. In a July interview that appeared in the international press, President Nazarbayev stated that it was not necessary to enforce Section 318; on September 3, local news outlets reported Interior Minister Suleymenov repeating this pronouncement by the President. Following these pronouncements, the Government did not initiate any new prosecutions under Section 318, and no new cases were reported.

In June Oksana Martynuk, a journalist with the Atyrau-based newspaper Al Zhayik, was acquitted on criminal charges under Section 318, pending her apology. The charges stemmed from a 2001 article reporting on new security measures designed to protect sturgeon fishing concerns. One of the companies to benefit reportedly was owned by Timur Kulibayev, the President's son-in-law.

In July the KNB began an investigation under Section 318 against independent journalist Sergey Duvanov for a May 6 article he had published on an opposition website. The article compared President Nazarbayev to Milosevic and Pinochet, among others. It also referred to the Kazakhgate allegations that had appeared elsewhere. No charges resulted from this investigation.

On September 18, Saghingali Kapizov, an oblast legislator and newspaper editor, was acquitted on criminal charges under Section 318 by an Atyrau court. The charge stemmed from an article he wrote in 2001 that appeared in the newspaper Al Zhayik. Kapizov was arrested on July 29 in Pavlodar for leaving the jurisdiction where the investigation was taking place and remained in custody until the conclusion of the trial.

In 2001 the Zhetisu District court of Almaty tried Yermurat Bapi, editor in chief of SolDat newspaper and a member of the executive committee of the RNPk, and journalist Karishal Asanov under Section 318 for two articles printed in SolDat in 2000, which addressed corruption and the role of President Nazarbayev in the December 1986 student uprisings in Almaty. Bapi was found guilty and sentenced to 1 year in prison; however, the conviction fell under the purview of the general amnesty and Bapi did not serve his sentence. Bapi was forced to pay \$275 (40,000 tenge) in court costs, and the press run of SolDat in which the articles appeared was destroyed. The oblast court denied Bapi's appeal. Asanov was acquitted of the charges.

According to government statistics, there were 841 privately owned newspapers and 319 privately owned magazines, compared with 950 and 342, respectively, in 2001. The Government ran one of the two Russian-language newspapers and the only Kazakh-language newspaper that appeared most frequently (5 times a week). In addition, a number of privately owned media were believed to be controlled by members of the President's family. Many newspapers that nominally were independent, particularly Kazakh-language print media, received government subsidies. Each major city has at least one independent weekly newspaper. Two new, nationally circulated weeklies, published by the centrist opposition Ak Zhol political party, began operation during the year.

The Government controlled nearly all broadcast transmission facilities. There were 77 independent television and 30 radio stations. There were only two government-owned, combined radio and television companies; however, they represent five channels and were the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broadcasters have arranged with local governments to use the majority of these. There were several electronic media organizations, including the Association of Independent Electronic Media of Central Asia and the National Association of Broadcasters.

The extent of government influence over mass media was not clearly defined. Many media outlets considered to be independent were controlled by holding companies which do not make public the names of their controlling investors. Several NGOs alleged that most large media outlets were controlled by members of the President's family and close circle of friends through holding companies. However, according to government statistics, there were 1,431 mass media and information agencies in the country as of August 1, nearly 80 percent of which were privately owned.

In 2001 journalist Andrey Sviridov published findings of a poll conducted among journalists, media experts, and representatives of human rights organizations on the media. The majority of those polled stated that they felt the Kazakhstani media market was controlled by Dariga Nazarbayeva (the President's daughter), Rakhat Aliyev (her husband), Timur Kulibayev (another son-in-law of the President) and other so-called oligarchs. There were no retaliatory actions reported against Sviridov for his publication of the poll results.

The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. In addition, many publishing houses were government owned.

In 2001 Yermurat Bapi, editor in chief of the independent newspaper SolDat and member of the executive committee of the opposition RNPk party, alleged that his newspaper was forced to cease publication for 8 months because all local publishing houses had refused to print it.

Owners, editors, distributors, and journalists were held responsible for the content of information conveyed, regardless of its source, promoting self-censorship at each level. At times fines for libel were exorbitant and bankrupted small media outlets. Publishing houses, which also were responsible legally for the information that they publish, were reluctant to publish anything that might be perceived as undesirable by influential officials. While these actions were not government initiated, they effectively limited the media's ability to publish strongly critical items. Both the Criminal and Civil Codes contain articles establishing broad libel liability.

In January a libel lawsuit initiated by presidential son-in-law Rakhat Aliyev against the NGO Internews began. Aliyev complained that he had been libeled by an August 2001 story in the Internews web-based bulletin repeating allegations that Aliyev and his wife, Dariga Nazarbayeva, controlled several TV and radio networks in Kazakhstan. An Almaty district court found Internews guilty of civil libel on May 24 and the Supreme Court upheld the verdict on July 30. Because libel laws place the burden of proof on the defendant, Internews' case was weakened because it could not produce documents proving Aliyev was an owner. The verdict required Internews to publish as its own a retraction prepared by Aliyev.

On April 30, Atyrau prosecutors filed a criminal case against Zhumbai Dospanov, editor of Vecherniy Atyrau newspaper and RNPk party oblast chief for Atyrau, for failure to pay a \$13,300 (2 million tenge) fine levied against him in 2001. In September the criminal charge was dropped. The fine stemmed from a civil conviction for publishing derogatory information about the oblast akim. Dospanov appealed the civil verdict to the Supreme Court, which had not informed Dospanov by the end of the year whether his case was accepted for appeal.

In 2001 the city court of Aktobe found journalist Oleg Adorov guilty of libel and sentenced him to 180 hours of community service. The criminal proceedings were instituted after Abay Yeschanov, a judge in the Alga district court, filed a suit stat-

ing that he had been insulted in an article Adorov wrote for Yevrika newspaper. The newspaper was fined \$2,000 (300,000 tenge).

Many observers maintained that the Government engaged in a systematic campaign throughout the year to silence its most vocal critics. Media outlets and journalists that reported on the Kazakhgate allegations and on the opposition DVK movement were often mentioned as targets of this campaign. The Government claimed the incidents commonly cited as part of the campaign were the result of provocations by those attempting to discredit the Government, or violations by media outlets of the law. However, President Nazarbayev stated in August that it was necessary to put an end to interference in the legitimate activity of both the state and nonstate press and ordered an investigation to determine whether instances of closure of some media had been done by illegal methods. Senior government officials briefed the press in early September on the status of the criminal investigations in many of these cases, attempting to dispel the concerns that had arisen among journalists.

On March 4, the broadcast license of independent Tan-TV was suspended for 6 months for what its leadership claimed were trivial infractions. President Nazarbayev publicly declared 3 days later that the suspension should be reviewed; it was lifted on March 9. On March 29, one of Tan's antenna feeder cables was severed; several days later a line of automatic gunfire knocked out the main line. On May 15, the feeder cable was again damaged and rendered inoperable after several nails were driven into it. The Government claimed these were acts of hooliganism, although no one was arrested for the crimes. Repairing the damage required the installation of new equipment, necessitating an application with the Ministry of Transport to resume transmitting. This approval was not forthcoming for several months. On September 4, Tan was sold to the media company that operated Channel 31.

Several regional television stations that had rebroadcast Tan's news stories were also closed, including Irbis and 6x6 in Pavlodar and Era in Astana. In February Irbis had its license suspended for 3 months for allegedly airing a pornographic movie that had been broadcast previously on another channel without incident. In May the Ministry of Transport and Communications revoked the broadcast licenses for Irbis, 6x6, and Era for violating their tender obligations. On June 18, Irbis journalist Kanat Tusupbekov was sentenced to 2 years in prison for assaulting three men in April; Tusupbekov claimed he had been the one beaten. Journalists and cameramen for Tan and Irbis were harassed on several occasions in the aftermath of the arrests of DVK leaders Mukhtar Ablyazov and Galymzhan Zhakiyanov (see Section 1.e.).

Throughout February and March, Respublika newspaper could not find printing presses in Almaty and Astana to publish it, after it had given extensive coverage to January's DVK convention. It found regional presses to publish individual editions. On April 12, an Almaty court suspended the newspaper for 2 months for violations of the Media Law's information disclosure requirement, since, among other alleged violations, it was not publishing the addresses of the printing houses it was using.

On August 20, three former police officers attacked and beat KTK-TV journalist Artur Platonov in his car outside his home. Platonov hosted a weekly program on political issues. He maintained that his reporting on police abuses and human rights had caused the police to retaliate. His attack sparked a series of denunciations, including from Dariga Nazarbayeva, the President's daughter, on law enforcement's inability to protect journalists. On November 26, an Almaty court convicted the three former officers of the beating and sentenced each to 1-year probation.

Some journalists alleged that the KNB or tax police threaten publishing houses if they print opposition media; concern over criminal or civil proceedings influenced publishing houses. The Al Zhayik printing house in Atyrau that prints the newspaper of the same name, as well as other newspapers in the oblast, was firebombed on May 3. Police claimed to have arrested the perpetrators. Police seized copies of *Ekonomika*, *Finansy i Rynki* from a private printing house in Almaty on September 23, although they had no authority to do so.

On May 21, the Almaty offices of the opposition SolDat newspaper were attacked, resulting in the theft of equipment and the hospitalization of one of SolDat's employees. On June 7, Almaty police announced that they had made an arrest in the case; Yermurat Bapi, SolDat's editor, disputed the connection of the person arrested to the crime. Bapi also held a press conference on September 16 to announce that the day before, KNB, police, and prosecutors raided the printing house preparing an edition of SolDat under the pretext of an anonymous bomb threat to the facility.

Following Respublika's publication of articles cataloging allegations of corruption against the President and his circle, the newspaper and its editor, Irina Petrushova,

were subjected to a intense campaign of intimidation during which a decapitated dog with an attached threat note was left at the newspaper and a dog's head with another threat note was left at Petrushova's home. On May 23, Respublika's Almaty offices were firebombed. In July authorities announced that Muratbek Ketebayev, one of Respublika's cofounders, paid two people to carry out the attack. On July 4, an Almaty court found Irina Petrushova, Respublika's editor, guilty of licensing violations and sentenced her to 1 ½ years in prison; she was amnestied immediately under the Amnesty Law. Throughout the year, the parent company of Respublika, PR Consulting, appealed multiple court decisions that would have liquidated it.

On May 27, an Aktobe court confirmed a March 15 Ministry of Culture recommendation that local Radio Rifma's license be revoked for violations of the Kazakh-language broadcast requirements. Radio Rifma's owners also operated Aktobe's top-circulation newspaper, Diapazon, several of whose reporters local human rights activists claim had been harassed over the previous 2 years. Media rights activists cited several other regional publications that were targets of similar harassment.

The Media Law defines Kazakhstan-based websites as media outlets. There were occasions during the year when the content of websites was material in libel lawsuits and criminal charges. Clients of the two largest Internet providers, Kaztelecom and Nursat, periodically were blocked from direct access to several opposition websites, including Evrasia, Navigator, and Kub, although access was still available through anonymous proxy servers.

The Government generally did not restrict academic freedom; however, as was the case for journalists, academics could not violate certain restrictions, such as criticizing the President and his family. In September at least one youth activist participating in a campaign against the Government's proposed Law on Youth Policy was threatened with expulsion from her university and the loss of her scholarship for continuing with the campaign.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government and the law impose significant restrictions on this right. The Law on National Security defines as a threat to national security unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits; however, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They also reported that local authorities, especially those outside Almaty, turned down most applications for demonstrations in central locations. During the year, certain religious groups repeatedly were denied permits for conventions or large public gatherings. Organizers of unsanctioned gatherings, including religious gatherings, frequently were fined (*see* Section 2.c.).

There were at least two instances when the Government denied permits for political rallies. On January 12, DVK leader Galymzhan Zhakiyanov was denied permission to hold a protest rally in Pavlodar. On April 21, pensioners in the northern city of Petropavlovsk were also denied permission to protest; in that instance the mayor of the city claimed that such a rally would threaten the inviolability of the president's honor and dignity. DVK, the United Democratic Parties (UDP), and the Ak Zhol political party received permits to hold rallies in Almaty and other cities during the year.

On March 29, Zhakiyanov, fearing arrest, sought refuge in a foreign government's embassy after the arrest 2 days earlier of fellow DVK leader Mukhtar Ablyazov on corruption-related charges. Zhakiyanov spent 6 days in the building, attracting numerous protesters, both progovernment and proopposition.

During the summer trials of Zhakiyanov and Ablyazov (*see* Section 1.e.), protest rallies were held in the cities in which the trials were taking place, Pavlodar and Astana, respectively, as well as in Almaty. At a July 19 rally, several people were detained on charges of illegal assembly, including Irina Savostina, leader of the national Pokolenie pensioners' movement. A reporter covering the event, Batyrkhan Darymbet, was also among those detained, although he had shown the arresting officers his press credentials. His lawsuit against Almaty police was dismissed in August.

The Constitution provides for freedom of association; however, the Government and the law imposed significant restrictions on this right. Organizations that conducted public activities, held public meetings, participated in conferences, or had bank accounts had to be registered with the Government. Membership organizations, such as religious groups and many others, must have 10 members and estab-

lish branches in more than half of the oblasts (there were 14 oblasts; Almaty and Astana cities were special administrative districts with the status of oblast, making 16 such districts in all) for national registration. Registration at the local level required a minimum of 10 members. Political parties and labor unions were considered membership organizations, but each had specific registration requirements established by legislation. The new Political Parties Law (*see* Section 3), enacted in July, requires parties to have 50,000 members, including 700 in each oblast.

Nonmembership organizations, generally NGOs, must register at the national level only. These organizations were no longer exempt from taxes due to a change in the tax code during the year. A registration fee of approximately \$105 (16,460 tenge) was required for both membership and nonmembership organizations; half that amount was required for reregistration, which became necessary if the organization changed its charter, its address, or its leadership. Most organizations had to hire lawyers or other consultants to expedite their registrations through the bureaucracy, which increased the registration cost considerably. Some groups considered these costs to be a deterrent to registration. According to government regulations, registration was supposed to be granted within 15 days. Local NGOs reported that registration often took 1 month to a year because the Government may return applications for additional information or require investigations into certain portions of the application. There were numerous cases of the activities of religious groups being suspended pending registration; the Administrative Code requires they be registered, while the Religion Law does not. The registration of some religious groups took much longer than 1 year (*see* Section 2.c.).

The new Political Parties Law requires that all parties registered at the time of its enactment complete a reregistration process by January 2003, according to the new criteria established by the law. Many of the 19 parties registered at that time were not expected to meet these new requirements. The new law prohibits political parties established on an ethnic, gender, or religious basis; parties established on a religious basis are specifically prohibited by the Constitution. Two small Kazakh ethnic nationalist parties, Alash and Kazakh Yely, as well as an ethnic Russian party that was granted temporary registration in April, were among the 19 registered parties during the year. The Russian party changed its name to the Com-patriot Party in July to comply with the new law and in December announced that it had surpassed 50,000 members. The Democratic Party of Women announced in October that it had changed its name to Yel Dana (Wisdom of the Nation) and would meet the membership requirements of the new law. Two pro-presidential parties, Otan and the People's Cooperative Party, announced they had merged in late September, although a Ministry of Justice official had stated in August that political parties would not be allowed to merge to meet the new law's registration requirements. Otan and the People's Cooperative Party both claimed sufficient membership to qualify for reregistration before the merger. Three opposition parties (RNPK, Azamat, and the People's Congress of Kazakhstan) announced in September that they would merge and also that they would boycott the new law. The centrist opposition Ak Zhol party, first granted temporary registration status in March, announced in September that it had surpassed 50,000 members. On December 12, Ak Zhol was granted temporary (6-month) registration.

By year's end, three political parties (Otan, Civic, and Ak Zhol) were officially re-registered.

Joining a political party required members to provide personal information, including date and place of birth, address, and place of employment. For many citizens, the requirement to submit such personal data to the Government tended to inhibit them from joining political parties. There were credible allegations that people entering government service were required to join the pro-presidential Otan party.

The Constitution bans public associations, including political parties, whose goals or actions were directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state or fanning of social, racial, national, religious, class, and tribal enmity. The major religious and ethnic groups had independently functioning cultural centers.

Membership in trade unions or political parties and actions in support of political parties are forbidden under the Constitution to members of the armed forces, employees of national security and law enforcement organizations, and judges.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition, the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations (*see* Section 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the various religious communities worshiped largely without government interference;

however, the Government's concerns regarding regional security threats from alleged religious extremists led it to encourage local officials to limit the practice of religion by some nontraditional groups.

The Constitution defines the country as a secular state. The Government invited the leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. The leaders of the Catholic and Jewish religions, which were represented by small proportions of the population, also participated in some official events. While the Government unsuccessfully sought on several occasions to amend the National Religion Law to give the Muslim Spiritual Association (a national Muslim organization) a quasi-official role, both the Government and the association denied that there was any official connection between them. There were reports that the Mufti sent Kazakh-speaking imams through the country to mosques that served Uighur and Chechen-speaking communities that had no connection to the Mufti's organization.

In contrast to laws governing other public associations, the National Religion Law does not explicitly require religious organizations to register with the Government. It states that all persons are free to practice their religion alone or together with others. Because the clause makes no reference to registration, legal experts interpret it to ensure the right of members of unregistered groups to practice their religion. However, it does specify that religious organizations must register to receive legal status. Religious organizations had to have legal status to buy or rent real property, hire employees, or engage in other legal transactions.

The Government exempted registered religious organizations from taxes on church collections and income from certain religious activities. The Government donated buildings and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

Article 375 of the Administrative Code allows national and local authorities to suspend the activities or fine the leaders of unregistered religious organizations. Lower courts consistently cited Article 375 in sanctioning religious organizations for nonregistration, but such decisions often were overturned on appeal. In January Parliament passed amendments to the National Religion Law that included a registration requirement for religious organizations, a ban on extremist religious associations, an increase in the number of members required for registration, authorization for local officials to suspend the activities of religious groups for criminal violations of one or more of their members or for conducting religious activity outside the place where they are registered, and a requirement that foreign religious organizations be affiliated with a nationally registered organization. In April the Constitutional Council discarded the entire set of amendments after ruling that the provisions giving a quasi-official role to the Muslim Spiritual Association were unconstitutional. The Council also ruled that the amendments as a whole restricted the constitutional right to express religious beliefs freely.

In practice local officials generally insisted that religious organizations register at the local level, despite the fact that registration at the national or the oblast level legally was sufficient to obtain the rights that registration offers. Although the law specifies a maximum of 30 days for authorities to complete the registration process, many religious groups reported delays of several months.

Members of Jehovah's Witnesses attempted to register in Northern Kazakhstan Oblast for more than 4 years. On November 2, a city court in Petropavlovsk ruled in favor of Jehovah's Witnesses regarding registration in Northern Kazakhstan; however, the local branch of the Ministry of Justice did not implement the court order by year's end. The 2001 application by members of Jehovah's Witnesses to register in Atyrau Oblast remained pending at year's end.

Law enforcement authorities conducted inspections of religious groups throughout the country, claiming they were preventing the development of religious extremism and ensuring that religious groups pay taxes. These inspections provided authorities with information about the registration status of groups, which in some cases led to authorities requiring the groups concerned to suspend their activities pending registration.

Representatives of many religious organizations and religious rights observers regarded Parliament's passage of restrictive amendments to the National Religion Law in January (notwithstanding their later rejection on constitutional grounds) as the pretext for local officials to engage in a coordinated campaign of harassment directed at smaller, local religious groups. The representatives claimed that local officials began enforcing the new law upon its passage.

Neither law nor regulation prohibits foreign missionary activity; however, there was no mechanism governing such activity.

The national Jehovah's Witnesses Religious Center alleged continuing incidents of harassment by a number of local governments. It claimed that city officials in

Astana, Almaty, Ust-Kamenogorsk, Kostanay, Karaganda, Aktubinsk, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. Jehovah's Witnesses were registered nationally, as well as in 12 of the country's 14 oblasts. Local KNB officials disrupted some meetings in private homes of unregistered groups of Jehovah's Witnesses, Adventists, Baptists as well as other Protestants, and other nontraditional groups throughout the country.

There were several court cases against unregistered local Jehovah's Witnesses, including in the cities of Taraz, Atyrau, and Petropavlovsk and in several smaller villages. Courts typically ruled that unregistered groups were in violation of the Administrative Code and issued warnings, levied fines of up to almost half of an average monthly salary, or suspended the activities of the group. When adequate legal counsel was brought in on appeal, the decisions usually were overturned.

On January 23, according to a report by the Keston News Service, Tursunbay Auelbekov, a Baptist in the southern town of Turkestan, was arrested while distributing religious literature in a public area. Prosecutors maintained that his activity was illegal because the Baptists in Turkestan were not registered; however, they decided not to press charges, citing Auelbekov's poor health.

In April regional authorities raided an unregistered farm run by the Society for Krishna Consciousness in the village of Yeltay in Almaty Oblast. Tax, immigration, fire, and health and hygiene officials were involved in the inspection. Police confiscated the passports of 15 foreign members of the community, 5 of whom were sentenced to deportation at a May local court hearing at which no charges were stated and the lawyers for the accused were not permitted to speak. In early June, the Hare Krishnas appealed the deportations, and the court also levied fines against three other members. Leaders of the Krishna Center, registered in Almaty City, alleged that the authorities arrived for the April inspection with television camera crews and then ordered the stations to report on the raid. In one television report, the Krishnas were described as extremists and criminals. On May 18, the Krishnas' application for registration in Almaty Oblast was approved after an 8-month delay. No members of the group were deported.

In June a Semipalatinsk court found the actions of the prosecutor in his pursuit of the local Jehovah's Witnesses congregation to be illegal. In a 2001 case in Taraz, the prosecutor's office withdrew its protest over the court's ruling in favor of the local Jehovah's Witnesses congregation.

In 2001 a court in the town of Ayaguz (Eastern Kazakhstan Oblast) convicted Pavel Leonov, a Baptist pastor, for failing to uphold a 2000 court order requiring his church to register. He was assessed a fine of approximately \$135 (20,575 tenge). By the end of the year, Leonov had not paid the fine and authorities had made no attempt to recover it.

According to an unconfirmed press report, Kulsary prosecutor Hagibula Kasymov threatened to jail Kurmangazy Abdumuratov and Askhat Alimkhanov, leaders of the Iman Kazakhstani Baptist Church, if their church continued to meet without registering. Religious freedom activists were not aware of the two subsequently being jailed. In 2001 prosecutors required them to stop meeting. Prosecutors also sought to suspend the activities of Baptist churches associated with the Council in Taraz, Serebriansk, and Kazalinsk.

Other than the brief detentions of a Baptist adherent in Turkestan and Hizb ut-Tahrir members in Kentau (Southern Kazakhstan Oblast), there were no reports of religious prisoners or detainees.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides the right to those who were legally present in the country to move freely in its territory and freely choose a place of residence except in cases stipulated by law; however, in practice citizens were required to register to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty and Astana due to their relative affluence and local officials' fears of overcrowding. Persons who were suspects in criminal investigations were often required to sign statements that they would not leave their place of residence. Many individuals were detained for identity checks without suspicion of a criminal offense (see Section 1.d.).

In July 2001, the Government formally abolished the exit visa requirement for temporary travel of citizens. Although exit visas no longer were required, there remained certain instances in which exit from the country could be denied, including if there were pending criminal or civil legal proceedings, unserved prison sentences, evasion of duty as determined by a court of law, presentation of false documentation during the exit process, and travel by active-duty military. The Law on National Se-

curity requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

The Constitution provides for the right to emigrate and the right to repatriate, and the Government generally respected these rights in practice; however, the Law on National Security prohibits persons who had access to state secrets from taking up permanent residence abroad for 5 years after leaving government service. A permanent exit visa still was required for emigrants. A permanent exit visa for intending emigrants required criminal checks, documents from every creditor stating that the applicant had no outstanding debts, and letters from any close relatives with a claim to support giving their concurrence to the exit visa. There was one reported instance of an individual being denied an emigrant exit visa for failing to document the continued support of dependents. Citizens have the right to change citizenship, but were not permitted to hold dual citizenship.

Foreigners were required to have exit visas, although they received them routinely as part of their entry visa. Foreigners who overstayed their original visas, or who did not receive exit visas as part of their original visas, were required to get exit visas from the immigration authorities before leaving. Foreign visitors were required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local migration police (often referred to as OVIR, after the office that formerly had this function). Foreigners no longer were required to register in every city they visit; one registration was sufficient for travel throughout the country. Immigration authorities occasionally fined foreigners without proof of registration before allowing them to leave the country.

Foreigners were required to obtain prior permission to travel to some border areas with China and cities in close proximity to military installations. In 2001 the Government declared the following areas closed to foreigners due to their proximity to military bases and the space launch center: Gvardeyskiy village, Rossavel village, and Kulzhabashy railway station in Zhambyl Oblast; Bokeyorda and Zhangaly districts in Western Kazakhstan Oblast; the town of Priozersk and Gulshad village in Karaganda Oblast; and Baykonur, Karmakshy, and Kazakly districts in Kyzyl Orda Oblast.

The Government accorded special treatment to ethnic Kazakhs and their families who fled during Stalin's era and wished to return. Kazakhs in this category were entitled in principle to citizenship and many other privileges. Other persons, including ethnic Kazakhs who were not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the 19th century, had to apply for permission to return. It was government policy to encourage and assist all ethnic Kazakhs living outside the country to return. Since independence approximately 215,000 ethnic Kazakhs, mostly from other former Soviet republics, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. In 2001 the Government introduced a quota for returning Kazakh migrants that allowed 600 families to return annually. The Government helped provide these families with housing, stipends, and other benefits. The number of Kazakh migrants in 2001 far exceeded the 600-family quota. As a result, the quota for the year was increased to 2,665 families. The number of immigrants during the year again far exceeded the quota. The Government struggled to find resources for integration programs for those who arrived outside the quota, many of whom lived in squalid settings. International organizations and local NGOs assisted in these efforts, and the Government supported them. In October the Government announced that the quota for 2003 would be 5,000 families.

Ethnic Kazakh migrants were automatically eligible for citizenship; however, the prohibition on dual citizenship prevented many of them from receiving it immediately. Amendments to the Citizenship Law, passed in May, streamlined the acquisition of citizenship. Complicated procedures to renounce the citizenship of one's former country no longer delayed the process; the migration police simply turned in a new citizen's passport to the embassy of their former country at the conclusion of the citizenship process, which took 6 months on average. The Government made significant progress in granting citizenship before the implementation of the new procedure.

In 1999 the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government had not passed implementing legislation by year's end. The absence of implementing legislation left unclear many aspects of the status of refugees, such as whether they had a right to work. Following the passage of a 1997 Migration Law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the U.N. High Commissioner for Refugees (UNHCR). The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Govern-

ment allowed the UNHCR access to detained foreigners and in practice was generally tolerant in its treatment of local refugee populations. Migrants from former Soviet republics were not considered to be refugees because they could travel and settle freely within the Confederation of Independent States (CIS). The Government often did not allow refugees without passports to register and in practice restricted registration almost exclusively to refugees from Afghanistan. All non-CIS citizens were considered to be intending immigrants. The Government generally respected the right of other CIS citizens to settle in the country; however, in practice it frequently did not extend this right to laborers from other Central Asian republics.

The Agency for Migration integrated the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims. The Government provided first asylum for certain categories of refugees, including certain categories of Afghan refugees. Only the President could grant political asylum, and he did not do so during the year. Nonpolitical asylum claims could theoretically be processed anywhere in the country, after the Agency for Migration established a national refugee determination committee in Astana during the year; however, in practice, claims continued to be processed only in Almaty. By October the Government had registered more than 1,300 asylum seekers and accorded refugee status to almost three-fourths of them. The UNHCR estimated that, at year's end, there were approximately 20,000 refugees in the country (approximately 12,000 Chechens from Russia, 4,000 persons from Tajikistan, 2,500 from Afghanistan, and 1,300 Palestinians, with the remainder including Uighurs and other nationalities).

Beginning with the renewal of conflict in Chechnya in 1999, a large population of Chechens fleeing the fighting came to the country; most remained during the year. Many Chechens had also entered the country during the earlier Chechen conflict and returned to Chechnya at its conclusion. Consistent with the Minsk Convention on Migration within the CIS, the Government did not recognize Chechens as refugees; however, the Government, in cooperation with the UNHCR and Chechen organizations, did grant temporary legal resident status to Chechens until they could return home to safe conditions. This arrangement functioned effectively, despite reports that some Chechens had to pay bribes to receive registration, until late October. After Chechen terrorist groups held civilians hostage in a Moscow theater in October, the Government stopped its nationwide policy of issuing temporary residence permits to Chechens. At least 100 were deported to Russia in December.

Kazakhstan and China agreed in 1999 not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned with the impact of this agreement on Uighurs from China in Kazakhstan. The Government did not consider any asylum claims by Uighurs; it was unclear whether any Uighurs applied. In general the Government was tolerant toward the Chinese Uighur population.

The deportation of approximately 100 Chechens to Russia in December constituted the only report of the forced return of persons to a country where they feared persecution. In a different case, the Government complied with its international refugee obligations by refusing to deport a prominent dissident of another former Soviet republic and allowing the UNHCR access to him. The UNHCR declared him a refugee, and arranged for his transportation to a third country. There were few reports of extrajudicial deportations during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a democratic government with universal suffrage for those over 18 years of age; however, in practice the Government severely limited the right of citizens to change their government.

The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. Presidential appointments of the Prosecutor General and the KNB Chief require the consent of the Senate. The President has the power to dismiss Parliament and to appoint judges and senior court officials. The President also nominates for approval by the Mazhilis the chairman and members of the Central Election Commission (CEC), who oversee presidential and parliamentary elections. The Mazhilis has never failed to confirm a presidential nomination. Modifying or amending the Constitution requires the President's consent.

President Nazarbayev was elected to a 7-year term in a 1999 election that was held nearly 2 years earlier than scheduled and fell far short of international standards.

In 1998 the President and the Parliament passed, without prior public notice, a series of constitutional amendments enabling them to call early presidential elections. Among other changes, the amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service. (The President will be 65 years of age before the end of his 7-year term.) government opponents and international observers criticized the short-notice elections because they did not leave time for the Government to implement promised electoral reforms or for candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates for the 1999 presidential ballot, including requiring them to submit petitions with 170,000 signatures, pass a Kazakh-language test, and make a nonrefundable payment of approximately \$30,000 (2.4 million tenge). Less than a week after the presidential election was called, the Government disqualified a number of potential contenders on the basis of a provision of the presidential decree on elections that prohibited persons convicted of administrative offenses from running for public office within a year of their conviction. Five opposition leaders, including former Prime Minister Kazhegeldin, were summoned and tried for participating in a nonregistered organization. A sixth was disqualified for a previous conviction. The Supreme Court upheld the disqualifications.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) sent a small election assessment team to report on the election. The team concluded that the presidential election fell far short of the country's commitments as an OSCE participating state, citing in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

Although in many ways an improvement over the presidential election, the 1999 elections for the Mazhilis were marred by election law deficiencies, executive branch interference, and a lack of transparent vote counts. There was convincing evidence of government manipulation of results in some cases. The OSCE mission observing the elections concluded that they were a tentative step toward democracy but fell short of OSCE commitments.

On December 28, by-elections were held for three vacant seats in the Mazhilis from single-mandate districts in Karaganda, Atyrau, and Pavlodar Oblasts. The election was announced on October 21 by the CEC, and candidates were given until November 29 to register. In Karaganda the two leading candidates—Nikolay Usatov from the pro-presidential Otan party and Bulat Abilov from the moderate opposition Ak Zhol party—were disqualified from the ballot 3 days before the election. Abilov appealed the CEC decision to the district court, which reinstated him; the oblast court upheld the CEC disqualification hours before the polls opened. In Pavlodar one candidate, Valeriy Maksimonko, was also a member of the district election commission, which under the election law should have disqualified him as a candidate. The CEC released preliminary results on December 29 that showed government-favored candidates winning all three seats. In two races, independent exit polling showed that the margin of victory was inflated for the winning candidate. In Pavlodar exit polls showed Karlygash Zhakiyanova—the wife of imprisoned former oblast akim Galymzhan Zhakiyanov—receiving more than half the votes, although Maksimonko was declared the winner (*see* Section 1.e.). Independent election monitors recorded violations of the electoral law, including intimidation of election monitors, relocation of polling stations with little or no notice to voters, and manipulation of voter lists. The CEC had not certified the election results by year's end.

The Election Law requires candidates for both houses to meet minimum age and education requirements and to pay a registration fee. The law requires Senate (but not Mazhilis) candidates to obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Mazhilis must be registered by the CEC and regional electoral commissions in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana).

The introduction of 10 proportionally allocated Mazhilis seats for the 1999 parliamentary elections enhanced the role of political parties, which, with the exception of the Communist Party, were previously very weak. The Communist Party and three pro-presidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—shared the 10 new party-list seats in the 1999 parliamentary election.

Parliament exercised little oversight over the executive branch, although it has the constitutional authority to remove government ministers and to hold a no-confidence vote in the Government. During the year, the legislature exercised its authority over proposed legislation by forwarding bills for consideration to the Con-

stitutional Council. Although Parliament must approve the state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. Nearly all laws passed by Parliament originate in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for Members of Parliament to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. The executive branch also blocked legislation on establishing Parliamentary staff, which Parliament passed in 2001; the law was found unconstitutional because Parliament may not make additions to the state budget.

If Parliament failed to consider within 30 days a bill designated urgent by the President, the President could issue the bill by decree. Although the President has never resorted to this authority, it gave him additional leverage with Parliament. While the President had broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council appointed by the President (*see* Section 1.e.).

Many activities of Parliament remained outside public view. During the year, the Parliament continued to become more open by publishing some draft laws; in 2001, Parliament published its voting record for the first time.

According to the Constitution, the President selects oblast akims based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. The oblast akims then appoint the county-level equivalent and city leaders below them. The Constitution permits direct election of such officials and in 2001 experimental local district akim (county-level equivalent leader) elections were held, representing the first tentative movement away from appointment of local district akims. In each of the 14 oblasts, elections were held to fill 2 positions. The local akims were elected by secret ballot by a group of electors chosen by local residents through a public show-of-hands vote. The OSCE noted that the procedure violated international standards requiring a secret ballot and did not provide transparency while counting and registering election results. During the year, President Nazarbayev appeared to move away from the idea of continuing experimental local elections. He stated in an August speech that there should be no haste in the matter of changing to local self-government. In the same speech, he asserted there was international trend toward managers instead of elected officials at the local level and claimed that such direct elections would divide the country into fiefdoms, threatening stability. On several other occasions, he stated that the people were not ready for such direct democracy.

The Government restricted the functioning of the political opposition. One opposition group, the DVK movement, was founded in 2001 by 11 senior government leaders, members of parliament, and prominent businessmen. Four of the senior government officials were fired several days after the founding at the request of the Prime Minister, and in December 2001 parliamentary deputy Bulat Abilov was expelled from his party slate seat in Parliament. On January 8, the DVK successfully registered with the Ministry of Justice as a public association.

DVK held a notable meeting of 900 sympathizers on January 19 and a public rally the following day with close to 2,000 persons in attendance. Both events received extensive coverage from several independent media outlets. DVK leaders advocated more progress toward democracy including direct election of oblast akims, media freedom, and poverty reduction. They also spoke out against past electoral fraud and government corruption.

By April two of DVK's leaders had been arrested and most of the independent media that had given the party favorable coverage had experienced government efforts to silence them (*see* Sections 1.e. and 2.a.). A political party, Ak Zhol, split off from DVK in March; it was granted temporary registration under the restrictive new Law on Political Parties in December (*see* Section 2.b.). DVK added under its umbrella a broad collection of traditional opposition parties during the year.

Several expected participants in foreign-sponsored political party training sessions from DVK in June and RNPk in July were prevented from attending. Some had their travel delayed, while others were charged with crimes and forbidden to travel right before the events.

At the end of the year, three women held ministerial portfolios. There were no female oblast akims (governors). Of 39 Senate members, 4 were female; of 77 Mazhilis members, 8 were female. There were no legal restrictions on the participation of women and minorities in politics; however, the persistence of traditional attitudes meant that few women held high office or played active parts in political life.

Although minority ethnic groups were represented in the Government, ethnic Kazakhs held the majority of leadership positions. Nearly half the population were non-Kazakhs according to the national census completed in 1999. Non-Kazakhs held 1 of 4 deputy prime minister positions and headed 2 of 15 government ministries

and the national bank. Non-Kazakhs were underrepresented in the Mazhilis and the Senate. In Parliament 8 senators and 19 members of the Mazhilis were non-Kazakhs.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, some human rights observers reported that the Government monitored their movements and telephone calls (see Section 1.f.). In addition, in September at least one NGO participant in a campaign against a draft Law on Youth Policy was told by university authorities to cease the activity (see Section 2.a.).

The Kazakhstan International Bureau for Human Rights and Rule of Law and the Almaty Helsinki Commission were the most active of a small number of local nongovernmental human rights organizations. They cooperated with each other on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Some human rights observers periodically received threatening or harassing telephone calls; however, the source of these calls was unknown.

In general the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption. The Government tended to deny or ignore charges of specific human rights abuses that were levied by both international and domestic human rights monitors and by individual citizens, although it often acknowledged that human rights abuses existed in general.

The Civil Code requires NGOs to register with the Government, and most NGOs were registered (see Section 2.b.); however, some continued to operate without legal standing.

The Government permitted international and foreign NGOs and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization (ILO), the International Federation of Red Cross and Red Crescent Societies (IFRC), the UNHCR, the IOM, and the OSCE, have permanent offices in the country. During the year, the country joined the IOM as a full member; it previously had only observer status.

The Presidential Commission on Human Rights was a consultative and advisory body that prepared annual reports to the President; none has been released to the public since 1998. The Commission provided free legal and consultative assistance to citizens. In addition, the Commission monitored fulfillment of international human rights conventions and proposed legislative improvements. The Commission received complaints from citizens in person, by telephone or in writing. In 2001 the Commission received 629 written complaints; for the first 6 months of the year, it received 318. According to the Commission, the majority of complaints were economic or social in nature, such as nonpayment of benefits or salaries, and housing conditions. The Commission also received complaints relating to conditions of military service, education, abuses by investigative authorities, and nonenactment of court decisions.

The Commission reported that it had received no complaints of abuses of political rights, language or racial discrimination, or violations of freedom of speech during the year, or in any previous year. NGOs believed that the Commission, due to its status as a government body, was influenced by the Government and downplayed cases.

In late September, a series of presidential decrees created the position of Human Rights Ombudsman, appointed the former head of the Presidential Commission on Human Rights to the newly created position, and established the regulations and authority of the position. However, under the decrees, the new Ombudsman was not authorized to investigate any complaint dealing with the President, the Parliament, the Government, the Constitutional Council, the Prosecutor General, the Central Election Commission, or the courts. Police abuse and violations of rights in detention facilities and prisons were under the Ombudsman's purview.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that everyone is equal before law and court and that no one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, convictions, place of residence, or any other circumstances; however, the Government did not enforce this

provision effectively on a consistent basis. The Government favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women.—Violence against women, including domestic violence, was a problem. In June a MVD survey said that 52 percent of women had reported some form of domestic abuse, with the highest incidence in rural areas. The MVD further stated that only 30 percent of domestic violence cases were prosecuted. A September press report indicated that on average 160 women died annually as a result of domestic violence. In February the head of the National Commission on Women reported that 28,000 crimes were committed against women in 2001 and that the majority of victims of violent crime were women. NGO activists and prison officials stated that domestic violence was a significant factor in the majority of cases of women serving sentences for murder.

There was no specific law on domestic violence; however, it could be addressed under assault and battery provisions of the Criminal Code. The maximum sentence for wife beating was 10 years in prison, the same as for any beating. The punishment for rape ranged from 3 to 15 years imprisonment. There was no information on the percentage of crimes against women that were prosecuted successfully. Police often were reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believed that the abuse was life threatening. Under the Criminal Procedure Code, prosecutors could not initiate a rape case, absent aggravating circumstances such as gang rape, unless the victim filed a complaint. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and prosecute rape cases personally. Police also could not detain a suspect legally for more than 72 hours unless the victim provided a written complaint, which women often refused to do.

One Almaty crisis center (there were three, two of which operated shelters) reported that it received 100–150 calls from women per month for domestic violence, and that a very small percentage followed through with charges. Another Almaty crisis center reported 1,800 calls from women in the first 10 months of the year, 9 of which were to report a rape. When victims did decide to press charges for domestic violence or rape, police often tried to persuade them not to pursue it. In one such incident, a police officer was disciplined. There were domestic violence units within the Almaty and Astana police departments, which cooperated with the crisis centers. When domestic violence cases did come to trial, the charge was most often for light beating, the penalties for which include fines of up to \$535 (82,300 tenge) or 3 months' imprisonment. In approximately 30 cases during the year, the conviction of a husband resulted in a divorce. The National Statistics Agency reported 948 rapes and 138 attempted rapes in 2001. There was very little reporting on rape in the press.

Prostitution is not prohibited by law; however, forced prostitution or prostitution connected to organized crime is illegal. Prostitution was a serious problem.

Trafficking in women was a serious problem (*see* Section 6.f.).

The Criminal Code and the Labor Code prohibit only some forms of sexual harassment, and legal and gender-issue experts regarded the legislation as inadequate to address the problem. There were reports of such harassment, but none of those reports constituted situations where victims were protected under the law. Prosecutors, law enforcement agencies, and victims were generally not aware of the problem, and there were no reports of any cases being prosecuted.

There was no legal discrimination against women, but traditional cultural practices limited their role in society and in owning and managing businesses or property. The President and other members of the Government spoke in favor of women's rights, and the official state policy held that constitutional prohibitions on sex discrimination must be supported by effective government measures; however, women were underrepresented severely in senior positions in state enterprises and overrepresented in low-paying and some menial jobs. The head of the National Commission on Women noted that women's salaries were, on average, 62 percent that of men's. Women had unrestricted access to higher education.

There were approximately 150 women's rights organizations registered in the country, 15 of which were active in Almaty. These included the Feminist League, Women of the East, the Almaty Women's Information Center, and the Business-women's Association.

Children.—The Government was committed to children's rights and a new Children's Rights Law was enacted in August; however, budget limitations and other priorities severely limited the Government's effectiveness in dealing with children's issues. The new law codified many rights already contained in the Constitution and

provided little in the way of funding or specific programs. Education was mandatory through age 16, although students could begin technical training after the 9th grade. Primary and secondary education was both free and universal. The law provided for equal access to education by both boys and girls.

There was no societal pattern of abuse against children. Rural children normally worked during harvests (*see* Section 6.d.).

Trafficking in girls was a problem (*see* Section 6.f.).

There was one local NGO that worked with juveniles released from prisons.

Persons with Disabilities.—Citizens with disabilities were entitled by law to government assistance, and there was no legal discrimination against persons with disabilities; however, in practice employers did not give them equal consideration. Assisting persons with disabilities was a low priority for the Government. Laws mandate the provision of accessibility to public buildings and commercial establishments for persons with disabilities; however, the Government did not enforce them. There have been some improvements to facilitate access in Almaty and Astana, such as wheelchair ramps.

Mentally ill and mentally retarded citizens could be committed to state-run institutions, which were poorly managed and inadequately funded. The NGO Kazakhstan International Bureau for Human Rights observed that the Government provided almost no care for the mentally ill and mentally retarded due to a lack of funds.

National/Racial/Ethnic Minorities.—According to the Government, the population consisted of approximately 53 percent Kazakhs and 30 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others), with many other ethnic groups, including Uzbeks and Germans represented. The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment, where ethnic Kazakhs predominated. President Nazarbayev has emphasized publicly that all nationalities were welcome to participate; nonetheless, many non-Kazakhs remained concerned about what they perceived as expanding preferences for ethnic Kazakhs (*see* Section 3).

Most of the population spoke Russian and approximately half of all ethnic Kazakhs spoke Kazakh fluently. According to the Constitution, the Kazakh language is the official state language. The Constitution states that Russian may be used officially on an equal basis with Kazakh in organizations and bodies of local self-administration. The Government continued to move toward using Kazakh for official business. Two oblasts adopted Kazakh as the official working language during the year. Kazakh became or was the lingua franca in local law enforcement offices in Kyzyl Orda, Southern Kazakhstan, Zhambyl, Atyrau, and Aktobe Oblasts. The MVD said that more than 20,000 of its employees were being trained in Kazakh during the year. Some ethnic Russians believed that Russian should be designated as a second state language. The Government encouraged more education of children in the Kazakh language but did little to provide Kazakh-language education for adults. The Language Law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages; however, it has not been funded sufficiently to make Kazakh-language education universal.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide for basic worker rights, including the right to organize; however, the Government at times infringed on these rights. The largest trade union association, the Federation of Trade Unions, contained the vestiges of formerly state-sponsored trade unions established during the Soviet period. It claimed a membership of 2.3 million workers. The Confederation of Free Trade Unions (CFTUK), formerly the Independent Trade Union center of Kazakhstan, claimed a membership of approximately 320,000 persons. Observers estimated the actual number of members in both associations to be lower and agreed that the Government exercised considerable influence over both.

To obtain legal status, a trade union had to apply for registration with the judicial authority at the oblast level and with the Ministry of Justice. The registration procedure followed largely that of other membership organizations (*see* Section 2.b.); branches of unions were each required to register. During the year, 20 new trade unions were registered, including the Trade Unions of Aviation Employees, the Trade Unions of Central Kazakhstani Small Businesses, and the Trade Unions of Astana. The two major trade union associations, the Federation of Trade Unions and the Confederation of Free Trade Unions, were registered. During the year, seven unions split from the Federation and established the Kazakhstani Trade Union Center. The Ministry of Justice did not deny registration to any union during

the year. Courts could cancel a union's registration; however, there were no such cases during the year.

The Constitution prohibits the operation of foreign trade unions and prohibits the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. The CFTUK received financing from foreign sources because it was registered as a public association and not a labor union. The law did not forbid other nonmonetary types of assistance such as training; participation in training programs increased in recent years.

Under the Constitution, workers are protected against antiunion discrimination. The Law on Trade Unions reiterates this right and makes no distinction between different kinds of labor unions. However, in practice there were violations of this right. Members of some trade unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. The two major trade union associations were competitive with one another and sometimes alleged that members of the other association were given precedence for layoffs.

By law unions freely may join federations or confederations and affiliate with international bodies. The CFTUK joined the Worldwide Labor Union Organization during the year. Unions belonging to the CFTUK were not members of international federations but were able to maintain contacts with foreign trade union federations.

On April 16, the Federation of Trade Unions filed a complaint against the Government with the ILO Committee on Free Association alleging various violations involving freedom of association in connection with efforts to organize workers at the Tengizchevroil company. In November the Committee requested that the Government take actions that would allow workers at the company to organize in accordance with international rules.

b. The Right to Organize and Bargain Collectively.—The law permits collective bargaining and collective agreements; however, collective bargaining was not widely understood and only occasionally practiced during the year. Unions may have a minimum of 10 members; however, registration requirements created obstacles to organization. If a union's demands were not acceptable to management, it could present those demands to a tripartite commission, composed of the Government, employer associations, and labor union representatives. The tripartite commission was instituted under the Law on Social Partnerships of 2000 and was to develop and sign a general agreement each year governing approximately 80 aspects of labor relations. The Labor Law provides for an individual contract between employers and each employee. Collective bargaining agreements were allowed as long as they did not reduce protections afforded to workers in individual contracts or under law; previously the terms of contracts were set only by law and collective bargaining agreements.

The Law on Collective Bargaining and Strikes gives workers the right to join or form unions of their choosing. It also establishes that workers may request in writing to have their union dues paid by direct payroll deductions of 1 percent. Amendments to the Labor Law that went into force in 2000 stipulate that the consent of an employee's union was no longer required to fire a worker (the old Law on Trade Unions had required a union's consent to fire a worker). Employers increasingly used the new Labor Law to fire workers without a union's consent; however, the general agreement contained a provision limiting the proportion of a company's workforce that could be dismissed at once to 9 percent. The Labor Law requires advance notice of dismissal. An employee still could choose to be represented by a union in a labor dispute; however, the employee had the option of choosing other representation as well.

The Constitution provides for the right to strike; however, there was a list of enterprises where strikes were not permitted. Unions and individual workers exercised the right during the year, primarily to protest the nonpayment of wages and unsafe working conditions and to recover back wages. According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. In addition, the law requires that employers be notified that a strike is to occur no less than 15 days before it commences. According to the Ministry of Labor, the incidence of labor disputes declined significantly in recent years.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and law prohibit forced and bonded labor, except at the sentence of the court or in the conditions of a state of emergency or martial law, but there were reports that such practices occurred (*see* Section 6.f.).

The Constitution prohibits forced or bonded labor by children; however, child labor was routinely used in agricultural areas (*see* Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment was 14 years, but only for part-time work (5 hours a day) that was not physically onerous. Children from the ages of 16 to 18 could work full-time provided that they were not required to do any heavy work. The Government has acknowledged that children in this age group worked in construction and other heavy industries but reported that duties for children were limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities.

A child between the ages of 14 and 16 could work only with the permission of his or her parents. The law stipulates harsh punishment for employers who exploit children under the age of 16. The Ministry of Labor was responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MVD was responsible for criminal offenses. Child labor was used routinely in agricultural areas, especially during harvest season; but abuse of child labor generally was not a problem.

On December 13, the Parliament ratified ILO Convention 182 on the Elimination of the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—The Government has set the monthly minimum wage at \$27 (4,181 tenge), an increase from the approximately \$24 (3,484 tenge) minimum wage of 2001. The minimum monthly pension rose to approximately \$28 (4,336 tenge) a month during the year, although the average pension was almost \$10 a month higher (5,780 tenge). The minimum wage did not provide a decent standard of living for a worker and family. The minimum wage also was below the minimum subsistence amount \$30 (4,663 tenge) a month for one person as reported for September by the National Statistics Agency. However, the average monthly wage was \$131 (20,112 tenge) compared with an average monthly wage in 2001 of \$117 (17,288 tenge). Monthly average wages grew 9 to 10 percent annually since 1999.

The Labor Law stipulates that the workweek should not normally exceed 40 hours, but specifies no maximum for other than normal circumstances. The Law limits heavy manual labor or hazardous work to no more than 36 hours a week. The Labor Law requires overtime to be paid at a rate of not less than one-and-a-half times normal wages for hours worked in excess of the normal 40-hour week. The Labor Law requires that overtime not exceed 2 hours in a calendar day or 1 hour a day for heavy manual labor. Overtime is prohibited for work in hazardous conditions. The Constitution provides that labor agreements may stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

Minimum wages, work hour restrictions, and limits on overtime established under the Labor Law were enforced by the Ministry of Labor. Ministry labor inspectors conducted random inspections of employers to enforce all laws and regulations under their purview.

The Constitution provides for the right to “safe and hygienic working conditions”; however, working and safety conditions in the industrial sector were often substandard. Safety consciousness in both employees and employers was low. Workers in factories usually did not wear protective clothing, such as goggles and hard hats, and worked in conditions of poor visibility and ventilation.

Management largely ignored regulations concerning occupational health and safety, which were not well enforced by the Ministry of Labor. Since the Ministry of Labor took over responsibility for labor inspectors in 2001, there was an increase in the number and frequency of labor inspector visits. During the year, the Ministry reported a staff of 360 inspectors. Although the frequency of inspections remained insufficient to provide fully for occupational health and safety, the number of fines, penalties, and warnings to employers increased. According to the Ministry, 147 workers were injured due to unsafe working conditions during the first 9 months of the year. Under the Labor Law, employers were obligated to suspend work where its continuation could endanger the life or health of workers and to warn workers about any harmful and dangerous work conditions and about the possibility of any occupational disease.

There were no reports of workers suffering physical or sexual abuse, although it is probable that limited employment opportunities contributed to the underreporting of abuses. There are no laws protecting workers who file complaints about work conditions.

Foreign workers (those legally present with labor permits) were provided the same minimum wages and labor standards as local workers under the law. Legal foreign labor was limited by a yearly quota of workers, which generally was filled by Turkish, Western European, and American workers in the oil industry. These highly skilled workers earned more on average than local workers and enjoyed work and living standards above local standards. Several foreign corporations reported

difficulty in obtaining work permits for their expatriate workers, saying the Government favored local workers for the positions.

Labor laws do not cover illegal workers, who did not receive the same legal protections as those with permits. Illegal workers were generally unskilled migrant laborers from Uzbekistan, Kyrgyz Republic, and Tajikistan, who crossed into southern Kazakhstan seeking agricultural jobs. They frequently were paid considerably less than local workers and worked in substandard conditions. Law enforcement agencies periodically conducted campaigns to deport illegal workers; employers were often fined as well during such campaigns. Between May 23 and June 5, 306 persons were deported from Mangystau Oblast and 61 of the oblast's employers fined.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a problem during the year. There was no evidence of a pattern of official complicity in trafficking, although corruption of law enforcement officials was widespread.

There are several articles of the Criminal Code that cover most forms of human trafficking. Article 128, passed in 1997, criminalizes the recruitment of any person for sexual or other exploitation. It is punishable by a maximum 2-year prison term. If a minor is involved, the maximum penalty is 5 years in prison. If the exploited person is transferred abroad, the maximum penalty is 8 years in prison. Article 330 was added to the Code in February to strengthen existing law. Article 330 prohibits the organization of illicit migration by providing transportation or fraudulent documents, or residence or other services for the illicit entry, exit, or movement on the territory of the country. It also covers the operation of a tourist or excursion agency for the purpose of illicit migration. The Criminal Code (Article 133) also prohibits the sale of children.

Prosecutions under these articles of the Criminal Code were rare. However, prosecutors used other articles of the Criminal Code to charge traffickers including the illegal involvement in prostitution (Article 270), which provides punishment of up to 3 years in prison; and prostitution connected with organized crime (Article 271), punishable by up to 5 years in prison. Official statistics differed on the number of investigations during the year under Article 271, the article the Government stated was most commonly used in antitrafficking efforts. It was difficult to estimate what percentage of investigations under Article 271 involved trafficking, since the Government did not maintain statistics specifically on trafficking. Prostitution was not explicitly prohibited under the law, nor was it legally regulated. Under Article 125 of the Code, kidnaping is punishable by a term of up to 7 years. In a case that was ongoing at year's end, several victims of trafficking filed suit in civil court against a travel agency for breach of contract.

In 2001 the Government formed a working group in which NGOs participated to draft comprehensive trafficking legislation. The Government did not submit draft legislation produced by the group to Parliament before the end of the year. The goals of the working group were to develop a comprehensive definition of all forms of trafficking and to provide new protections for trafficking victims.

Within the Government, the National Commission for Women's and Family Issues, law enforcement agencies, the KNB, and the Prosecutor General were most involved in combating trafficking. Prosecutors had the authority to direct law enforcement to begin investigations and during the year initiated investigations specifically related to trafficking, including many reports of trafficking that had appeared in the media.

The Government maintained that it seeks cooperation from authorities in destination countries for its citizens who have been trafficked and in the source countries of trafficking victims brought into the country. There were no cases where the Government has been asked to extradite a person charged with trafficking in another country.

The country was a source, transit, and destination country for victims of trafficking. Internal trafficking was also a problem. No reliable statistics were available on the number of victims each year, but many experts maintain that it was less than 5,000. Individuals were trafficked to the United Arab Emirates, South Korea, Turkey, Greece, Cyprus, France, Italy, Portugal, Switzerland, Belgium, Israel, and Albania. They were trafficked from the Kyrgyz Republic, Uzbekistan, and Tajikistan.

Traffickers mainly targeted young women in their teens and 20s. According to the Kazakhstan Crisis Center for Women and Children, most women were recruited with promises of good jobs or marriage abroad. Travel, employment, and marriage agencies often recruited victims through advertisements promising lucrative jobs in other countries. Offers to participate in international beauty contests also were used. Formerly trafficked women reportedly have recruited new victims personally. There was also evidence that young and middle-aged men have been trafficked from

the country, either for sexual exploitation or for labor. Many trafficking victims appeared to be aware or at least to suspect that they were going to work as prostitutes, but not that they would be working under slavery-like conditions. Most trafficked persons traveled to their destinations on passports obtained abroad, most often from Russia or the Kyrgyz Republic.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials was widespread. In 2000 a customs official was charged with accepting bribes for facilitating passage of trafficking victims, relieved of his duties, and imprisoned.

The Government did not assist trafficked women who returned to the country; however, NGOs ran crisis support centers that provided assistance.

In 2001 the IOM, in conjunction with 19 NGOs across the country, began an information campaign on the dangers of trafficking and set up hot lines for its victims. By the end of July, the hot line identified 35 cases of trafficking from among the almost 10,000 calls it received. The IOM also held press conferences to announce the names of travel agencies engaged in trafficking and planned to publish a report detailing trafficking networks in the country.

The Government, in conjunction with NGOs, supported training programs for judges, prosecutors, and law enforcement employees at the local level on how to deal with trafficking cases.

In 2001 the Government reinstated mandatory licensing for tourist agencies in an effort to uncover agencies involved in trafficking. The Prosecutor General's office conducted several inspections late that year and found that many tourist agencies failed to provide for the return of their clients to the country. The Prosecutor General reported that most of these tourist agencies closed voluntarily after the inspections.

The Government did not provide any trafficking prevention programs; however, nongovernmental efforts to combat trafficking in persons continued and the Government cooperated with these groups.

KYRGYZ REPUBLIC

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominated the Government. Despite constitutional limitations, Parliament has become more independent and sometimes modified or blocked presidential initiatives. Civil society was relatively strong. In October parliamentary by-elections took place in four electoral districts. The elections were generally orderly and competitive in three districts, but serious voting irregularities were observed in one district where the race was strongly contested. In 2000 serious irregularities marred parliamentary and presidential elections. The Constitution provides for an independent judiciary; however, the executive branch dominated the judiciary, and the Government used judicial proceedings against prominent political opposition and independent media figures in numerous instances.

Law enforcement responsibilities were divided among the Ministry of Internal Affairs (MVD) for general crime, the National Security Service (SNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the SNB deal with corruption and organized crime. The civilian authorities generally maintained control of the MVD and the SNB and maintained full control of the newly created State Border Guard Service (SBGS). Some members of the security forces committed serious human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production and a population of approximately 5 million. The Government has carried out progressive market reforms, although some intended reforms have not been implemented fully. The economy was stable during the year. Gross domestic product declined by 0.5 percent. Inflation was 2.3 percent. Industrial production remained significantly below preindependence levels. Foreign assistance played a significant role in the country's budget. Unemployed workers and government workers with low salaries or unpaid benefits continued to face considerable hardship. Pensions were being paid, but the amount provided only for subsistence living. The average annual income was \$230, while the subsistence level income was estimated at \$366 per year. Sixty percent of the population lived below the poverty level.

The Government's human rights record remained poor, and it continued to commit numerous abuses. Nongovernmental organizations (NGOs) and parliamentary deputies sometimes succeeded in blocking presidential initiatives through parliamentary action and grassroots campaigns. Members of the security forces at times beat and otherwise mistreated persons; police killed six persons participating

in demonstrations in March. Prison conditions remained very poor, and there were many cases of arbitrary arrest or detention. Executive domination of the judiciary limited citizens' right to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted some privacy rights. The Government restricted freedom of speech and of the press. The Government used bureaucratic means to harass and pressure the independent media, some NGOs, and the opposition. The Government restricted freedom of assembly and freedom of association. The Government generally respected freedom of religion; however, at times it infringed on this right, in particular for radical Islamic groups it considered to be a threat to the country. There were some limits on freedom of movement. Citizens were usually able to move freely in the country; however, the Government attempted to block the travel of citizens to politically significant events on several occasions. The Government harassed and pressured some human rights groups. Violence and discrimination against women were problems. Violence against children was a problem, and there were growing numbers of street children. Discrimination against ethnic minorities was a problem, as was child labor. Trafficking in persons was a persistent problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, police killed six persons during demonstrations in March.

On March 17, MVD forces opened fire on a group of unarmed demonstrators marching in support of jailed parliamentarian Azimbek Beknazarov in Aksy District, Jalal-Abad Oblast. The security forces killed 5 demonstrators and injured 17, mostly with bullet wounds. On March 18, MVD forces again fired on demonstrators in the village of Kerben, Aksy District, killing one person and injuring seven. On December 28, a court convicted four of the seven local law enforcement officers charged in the killings of five protesters; three officers were acquitted. In its May 20 report, the presidentially appointed Kyrgyz State Commission investigating the Aksy violence recommended that officials from the prosecutor's office also be investigated for complicity; by year's end no investigations had taken place. Citizens continued to call for higher ranking officials to face accountability for the Aksy events (*see* Section 2.b.).

There were no reported casualties from landmines laid by Uzbekistan forces in Kyrgyz territory in response to the Islamic Movement of Uzbekistan (IMU) incursions into both countries in 1999 and 2000 (*see* Section 1.c.).

On June 29, unknown assailants killed a Chinese diplomat in Bishkek. Three suspects were detained in connection with the shooting on July 3.

During the year, Uzbekistan border patrols shot five Kyrgyz civilians, killing one person and injuring four, in incidents near nondemarcated border areas.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, mistreatment, and inhuman or degrading punishment; however, police and SNB forces committed abuses including beatings and other mistreatment. There were no reports of the use of torture. At times police used beatings to extract confessions. There were several credible reports that police beat human rights activists and demonstrators while in detention. The supervision of conditions for pretrial detainees was poor; police were supervised poorly, were not always paid promptly, and at times committed crimes.

On August 28, the Military Court of the Chui Garrison acquitted Belovodsk police officers for the July 2001 torture and forced confession of a prisoner. On September 4, the procurator appealed the acquittal. On December 2, the appellate court upheld the lower court's acquittal. Following that decision, the prosecutor filed an appeal with the Supreme Court, which had not heard the case at year's end.

The police at times used force to disrupt opposition demonstrations (*see* Section 2.b.).

Government officials facilitated, or were complicit in, trafficking (*see* Section 6.f.). On September 6, an unknown assailant threw three grenades at the acting Head of the Presidential Administration and Secretary of the National Security Council, Misir Ashirkulov, who was seriously injured.

No casualties were reported from landmines laid by Uzbekistan in Kyrgyz territory in response to the IMU incursions into both countries in 1999 and 2000.

Prison conditions were very poor and included overcrowding, food shortages, and lack of heat and other necessities. On July 1, the Government transferred control over non-SNB prisons from the MVD to the Ministry of Justice (MOJ). Prisoners

detained by the SNB were kept in SNB facilities; after conviction they were held in a regular prison. Male and female prisoners were held separately. Conditions in the women's prison were less overcrowded than in those for men, and inmates were allowed to perform menial labor to earn money needed to provide necessities. Juveniles were held separately from adults. There were no special facilities for political prisoners. Pretrial detainees were held separately from convicted prisoners. Pretrial detention facilities were extremely overcrowded, and conditions generally were worse than in regular prisons. Prison visits by family members were at the discretion of the investigator during the investigation phase. After a conviction, family members were allowed to visit a prisoner regularly.

The Government usually permitted domestic and international human rights observers to visit prisons. On August 14, the International Commission of the Red Cross (ICRC) reached an agreement with the MOJ allowing free access to visit detainees in prisons under its jurisdiction. The ICRC was allowed to visit detainees in SNB prisons in accordance with the ICRC's standard procedures. The ICRC made multiple visits to jailed opposition leader Feliks Kulov during the year. Diplomatic observers also visited Kulov in October and reported that he appeared to be well treated.

d. Arbitrary Arrest, Detention, or Exile.—The law and the Constitution prohibit arbitrary arrest and detention; however, police at times used ill-defined charges to arrest persons and could be bribed to release them.

The procurator's office determined who could be detained, arrested, and prosecuted. The procurator must issue an arrest warrant before a person may be detained, and there were no reports that this provision was abused. The Criminal Code permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention; however, this requirement often was not observed in practice. Persons arrested or charged with crimes had the legal right to defense counsel; if a suspect was charged, the procurator was required to advise defense counsel immediately. Defense counsel should be permitted to visit the accused within the first 3 days of incarceration; however, at times the accused did not see defense counsel until trial.

The SNB, the MVD, and the General Procurator carried out investigations. The accused usually remained in detention while the procurator investigated and prepared the case for trial. The procurator had the discretion to keep the accused in pretrial detention for as long as 1 year, but there were regulations that provided for provisional release before trial. After 1 year, the procurator was required to release the accused or ask Parliament to extend the period of detention. There have been no known instances in which Parliament was asked to extend a detention.

Security forces detained 49 persons during the year for membership in the illegal Hizb ut-Tahrir Islamic organization and distribution of its literature (*see* Section 2.c.).

Authorities detained some demonstrators during the year (*see* Section 2.b.).

There were no developments in the case of Noomanjan Arkabayev from the Osh branch of the Kyrgyz Committee for Human Rights (KCHR), who was arrested in June 2001 for allegedly distributing antigovernment leaflets. In July Arkabayev became an assistant to the first deputy minister of the MVD.

On January 5, the Government detained parliamentarian Azimbek Beknazarov on charges related to his work as a criminal investigator in 1995. Beknazarov, the chairman of the Committee on Courts and Legal Issues of the Legislative Assembly, was an outspoken critic of the Government's border agreements with China and Kazakhstan. He was held in pretrial detention until March 19, when he was summarily released in the aftermath of the MVD shootings of his supporters in Aksy District. On May 24, Beknazarov was given a 1-year suspended sentence.

In the past, the SNB arrested Uighurs (an Islamic Turkic group native to western China) on ill-defined charges (*see* Section 2.c.); however, there were no reports of such arrests during the year. Two Uighurs were detained in connection with the shooting of a Chinese diplomat and reportedly deported to China.

The law does not provide or prohibit forced exile, however, there were no reports that the Government employed it in practice. The president of the KCHR, previously in self-imposed exile abroad, returned to the country in April (*see* Section 4).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continued to dominate the judiciary. The courts were perceived widely as a rubber stamp for the procurator and for high-ranking government officials.

Cases originated in local courts; they could move to appeals courts at the district or regional level and finally to the Supreme Court. There were separate military courts and a separate arbitration court system that handled economic disputes.

The Constitutional Court had responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections.

Traditional elders' courts considered property and family law matters and low-level crime. Cases were submitted by agreement of the parties; decisions of elders' courts could be appealed to the corresponding municipal court. Local elders' courts were under the supervision of the procurator's office but did not receive close oversight since many were located in remote regions. The procurator, not the judge, was in charge of criminal proceedings. The procurator brought cases to court and tried them before a judge and two people's assessors. The court compared the facts as presented by the procurator and the defense and in most cases made its decision after receiving all available information in each case. The court could render one of three decisions: Innocent, guilty, or indeterminate. If indeterminate, a case was returned to the procurator for further investigation. The decision of a court to return a case to the procurator for further investigation could not be appealed, and accused persons were returned to the procurator's custody, where they could remain under detention.

The law provides for defendants' rights, including the presumption of the innocence of the accused; however, such rights were not always respected. The judicial system continued to operate, in many cases, under Soviet laws and procedures in which there was no presumption of innocence and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The Criminal Procedure Code provided for an unlimited number of visits of unlimited duration between an attorney and a client. Although official permission for such visits still was required, such permission usually was granted.

Defense lawyers could obtain access to all evidence gathered during the course of the investigation. In practice all members of the court had equal rights and could question witnesses. Witnesses did not have to present their testimony in court; instead they could affirm or deny their statements in the procurator's files. Under the law, the accused and the defense counsel had access to all evidence gathered by the procurator. They could attend all proceedings, which were usually public, and were allowed to question witnesses and to present evidence. However, this right was not always respected in practice.

The Constitution provides terms for judges that range from 15 years for Constitutional Court judges to 3 years for first-term local judges. Judges of the highest courts were nominated by the President and approved by the Parliament. Local court judges were appointed by the President. Very low judges' salaries led to a credible view among lawyers and citizens that all but a very few scrupulously honest judges were open to bribes or pressure.

Legislators in the past used their parliamentary immunity to avoid being brought to court; however, a 1998 change in the law limited their immunity to official acts only. Defendants were afforded the same constitutional protections in both military and civilian courts, although military court proceedings could be closed to the public. A civilian could be tried in a military court if one of the codefendants was a member of the military. Military court cases could be appealed to a military appellate court and ultimately to the Supreme Court.

During the year, two individuals were prosecuted for apparently political reasons. On May 8, Feliks Kulov, former parliamentary and presidential candidate and opposition Ar Namys Party leader, was convicted in a Bishkek district court of abuse of power related to his activities when he was governor of Chui Oblast in the mid-1990s. The trial was open to the public. The initial prosecution of Kulov, considered the most popular opponent of President Akayev in the 2000 elections, began after his unsuccessful bid for a parliamentary seat in March 2000. On October 11, an appellate court upheld the lower court's finding. This was the third prosecution of Kulov in 2 years.

On January 5, parliamentarian Azimbek Beknazarov was charged with abuse of power in connection with his role in a murder investigation that occurred in 1995 when he was a criminal investigator. Beknazarov's trial was held in Toktogul on March 11-13 and was marked by serious flaws. Sentencing was set for March 18 in Toktogul, but was delayed by mass demonstrations in Jalal-Abad Oblast. Beknazarov was released on March 19. On May 24, the court gave Beknazarov a 1-year suspended sentence. On June 28, an appeals court ruled to close the criminal case, but left the criminal conviction in place (*see* Sections 1.a. and 1.d.).

Economic crimes such as tax evasion, embezzlement, and theft of government property were common; prosecution for these crimes was rare but at times appeared to be directed at opponents of the Government.

There were no reports of other political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government at times violated these prohibitions. The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, telephonic, and telegraphic communications are protected; however, this prohibition was not always respected in practice. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts; however, the prosecutor could give approval over the telephone for searches, which meant that in such cases no written proof exists to verify that the search was approved. In certain cases, law enforcement officers could carry out a search first and then get approval within 24 hours. If approval was not given, any evidence seized was inadmissible in court.

The SNB continued to monitor the Uighur community (*see* Section 1.d.). There were unconfirmed reports by citizens active in politics or human rights monitoring that the privacy of their communications was violated. After September 11, 2001, the Government has conducted widespread document checks of some foreigners. These checks often resulted in the detention and deportation of those who were not in the country legally (*see* Section 2.d.).

Organizational structures responsible for violations of privacy rights during the Soviet era largely remained in place.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government restricted these rights. A 1998 referendum amended the Constitution to preclude Parliament from passing laws that infringe on free speech.

There were approximately 25 to 30 newspapers and magazines with varying degrees of independence, including some that had only local circulation. The state printing house, Uchkun, was the primary newspaper publisher in the country, with several small presses located inside and outside of the capital.

The Government used its influence over printing and distribution of print media to impede the dissemination of information by the independent print media. In January Uchkun stopped printing two independent newspapers, Moya Stolitsa and Res Publica, following publication of articles critical of the Government and the President's family. The printing house claimed the printing was stopped due to an unsigned servicing agreement with the newspaper. Uchkun initially refused to print Moya Stolitsa, but when Res Publica offered their printing run to Moya Stolitsa, Uchkun refused to print either paper. In November Uchkun threatened not to publish an issue of the independent newspaper Aalam because it contained material critical of the President's son. Once the article was removed, the issue was printed.

In December the Government registered the nongovernmental Media Support Center and its independent printing press.

There also were several independent television and radio broadcasting outlets. Two television stations in Osh broadcast in Uzbek: Osh Television, which broadcast in Uzbek part of the time, and Mezon Television, all of whose programs were in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh.

Government interference with independent television and radio stations occurred in the past, but there were no reports of such interference during the year. Osh Television successfully settled its dispute with the National Agency for Communications (NAC). The NAC had required Osh Television to change its broadcast frequency from VHF to UHF, which is not used by most Soviet-period television sets. The station and the Association of Journalists protested the change, which would have reduced the number of viewers and imposed financial hardship on the station, as unfair and not justified technically. The station retained its VHF frequency. In addition, Osh Television was engaged in an ongoing dispute with tax authorities over what it considered unfair tax assessments.

Government newspapers, television and radio continued to receive government subsidies, which permitted the Government to influence their coverage and to apply financial pressure on independent media by fostering unfair competition for increasingly scarce advertising revenue. Some news outlets were owned and controlled partly or fully by individuals with close ties to the Government.

The third honor and dignity case against the newspaper Delo No since 2000 was ongoing a year's end.

During the year, 15 lawsuits were filed against the independent newspaper Moya Stolitsa by individuals or organizations claiming encroachment on their honor and dignity; 14 of these cases were filed between mid-November and the end of December.

All media were required to register with the Ministry of Justice and wait for ministry approval before beginning to operate. The Media Law states that the registration process should require 1 month.

On November 28, militia at Toktogul seized 2,500 copies of Kyrgyz Ordo with articles critical of President Akayev as they were being shipped South for distribution.

In January the state publishing house Uchkun refused to print the independent newspaper Moya Stolitsa after it carried articles critical of the Government and the President's family. On March 1, the Bishkek city court of arbitration postponed a trial of Moya Stolitsa on charges of encroachment on the honor and dignity of Uchkun. The same court had ruled on January 29 that Uchkun must print Moya Stolitsa while the investigation was completed and a special court decision was being considered. However, the court cancelled its decision on February 4, upholding Uchkun's appeal, and ruled that the paper should not be printed until a contract between it and the publishing house was renewed for the year. The contract was renewed and Moya Stolitsa was permitted to publish as of May.

On January 14, the Government issued Decree 20, which introduced mandatory government inventory and registration of all typographical and printing equipment and imposed strict importation controls, among other provisions. On May 25, the Government repealed Decree 20, but announced it would establish measures to control publishing on the basis of the Constitution and existing legislation.

In its May 20 report, the Kyrgyz State Commission investigating the Aksy violence named biased coverage from the State Television and Radio Corporation (KTR) as a factor contributing to the unrest, in which police killed six protesters. The Commission's report proposed the creation of a public council to reform KTR. By year's end, its largely progovernment members had made little progress toward reform.

The law on the mass media prohibits the dissemination of government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols (such as the national seal, flag, or anthem); pornography; and encroachment on the honor and dignity of a person (libel). Libel was a criminal, not a civil, action. The Government, acting through compliant courts, used the prohibition of material that encroaches on the honor and dignity of a person to harass and apply pressure on the independent media.

Members of the media were subject to violence and intimidation from unknown elements. On January 19, unidentified persons threw two Molotov cocktails into the offices of a newly established opposition newspaper, Agym, which was owned and operated by the former owner of the independent newspaper Asaba. The office of the independent newspaper Tribuna was robbed on May 28; in addition to equipment, the thieves stole research materials and rough drafts of articles that reporters were writing.

There were no credible reports of the Government censoring or blocking access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. On occasion the Government used force—including lethal force—to disrupt peaceful demonstrations.

Prior to a new law on public demonstrations and meetings passed on June 24, the law required official written permission for holding assemblies, rallies, and demonstrations. The new law requires that authorities be given notification of public gatherings and gives authorities the right to prohibit gatherings under certain conditions. At times authorities, including those at local levels, used the requirements for permission and notification to prevent rallies and demonstrations. Permits were required for public marches and gatherings. These usually were available, but in some cases authorities refused to issue permits to opponents or critics of the Government.

Rallies and demonstrations were held regularly in front of the White House, Parliament, and in other places. Throughout the year, numerous protests, demonstrations, and pickets took place in different areas of the country, including Bishkek, Osh, Jalal-Abad, and Naryn. In most cases, demonstrations took place without interference from authorities; however, there were instances in which security forces forcibly disrupted demonstrations and meetings.

In September the Government issued a 3-month ban on all demonstrations that was subsequently withdrawn.

Following the January 5 arrest of opposition Member of Parliament Azimbek Beknazarov, his supporters in the town of Kara-Suu in Jalal-Abad Oblast responded with actions such as demonstrations, hunger strikes, road closings, keeping children home from school, and hostage-taking of local officials. Sheraly Nazarkul died on February 6 after 21 days on a hunger strike.

On March 17, the day before Beknazarov's sentencing was set to take place, approximately 2,000 of his supporters began to march to the city of Kerben in the Aksy District of Jalal-Abad Oblast to demand his release. Bishkek human rights activist Tursunbek Akunov was taken into police custody after attempting to negotiate with demonstrators. The crowd protested Akunov's arrest, and some demonstrators began throwing rocks. Police were ordered to advance and attempted to disperse the crowd by shooting into the air. Some police shot into the crowd, killing at least five demonstrators (see Section 1.a.). Other demonstrators were beaten. None of the demonstrators were given medical assistance at the scene. Several hours later, several thousand demonstrators in Kerben stormed the police building and set several buildings on fire. One demonstrator was killed and five wounded in the clash between police and protesters. MVD troops were dispatched from Bishkek and elsewhere to restore calm.

In April following the release of a videotape showing police firing on unarmed demonstrators in Aksy, President Akayev dismissed a number of local officials and appointed a state commission to investigate the shootings. In its report issued on May 17, the commission cited the Beknazarov arrest as the main cause of unrest, criticized the state media for biased reporting, and suggested that high-level officials shared blame for the shootings.

In mid-May, numerous protests took place throughout the country following the May 8 sentencing of opposition leader Feliks Kulov to 10 years' imprisonment and the ratification of an agreement delimiting the Kyrgyz-China border. From May 13–21, approximately 1,000 protesters blocked the Osh-Bishkek road demanding Beknazarov's acquittal and punishment of those responsible for the Aksy shootings. On May 16, police forcefully broke up a demonstration involving approximately 500 in front of the Parliament and briefly detained more than 80 demonstrators. Police arrested KCHR head, Ramazan Dyrlydayev, and Kyrgyz Public Committee for Human Rights director, Tursunbek Akunov; both were released on May 17.

On June 5, protesters set up a roadblock near Tash-Kumyr on the Bishkek-Osh highway. Police dispersed the protesters on June 8 and arrested seven people, including the Jalal-Abad correspondent for Radio Liberty. On June 12, the marchers regrouped, headed towards Jalal-Abad, and arrived in the city on June 17. They staged a demonstration in the central square to demand Beknazarov's release and accountability for the Aksy events.

On September 4, protesters from villages in Aksy District began to march to Bishkek. They reached the city of Karakul on September 9 but were prevented by authorities from continuing. Police arrested several protesters and stopped a truck reportedly carrying food supplies for the marchers. On September 12, government officials and protesters agreed to end the march and signed a memorandum laying out further actions.

On October 16, authorities in Toktogul detained approximately 40 demonstrators traveling in a bus towards Bishkek to express their support for local officials charged with involvement in the Aksy events.

On November 14, approximately 300 protesters, primarily from the South, converged on Bishkek to attend a Kuraltai (public forum) organized by opposition leaders and scheduled for November 16. On November 15, the protesters entered the city and approximately 200 demonstrators staged a protest near the city's main bazaar on November 16. Police used nonlethal force to disperse them and detained 129 persons, who were released and transported back to the South on buses with police escorts on November 17. The Kuraltai did not take place because organizers were unable to secure a meeting space. Activists continued efforts to organize the Kuraltai, but it had not taken place by year's end.

In November opposition candidate Usen Sydykov was fined for organizing an unsanctioned rally following a court decision that ruled he was ineligible to run for a vacant parliamentary seat.

The Constitution provides for freedom of association; however, at times local authorities restricted this right in practice. The Law on Public Organizations—which include labor unions, political parties, and cultural associations—requires registration of these organizations with the Ministry of Justice.

During the year, the KCHR continued to report that its members were the targets of threats and intimidation. On May 20, the KCHR's Kochkorka office was ran-

sacked by a crowd. KCHR coordinator Kachkyn Bulatov was taken to the local police station where he was held for 15 days under administrative arrest and interrogated by local authorities.

The law on NGOs distinguishes them from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The registration of an NGO requires at least 3 members; the registration of a political party requires at least 10.

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice; however, the Government restricted the activities of radical Islamic groups that it considered to be a threat to the country. Islam was the most widely practiced faith.

Since 2001 the Government worked with representatives of various religious faiths and NGOs to develop a draft law on religion. The draft law remained incomplete as the Government attempted to tighten regulations on missionary activities. Representatives of religious communities expressed concern that some Muslim believers could be named extremists under the law. In April the Central Asian Eparchy of the Russian Orthodox Church issued a statement strongly opposing the draft law, citing concerns that its passage would result in a flood of foreign missionaries.

The State Commission on Religious Affairs (SCRA) was responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law, all religious organizations were required to register with the SCRA, which was required to recognize the registrant as a religious organization. Each congregation was required to register separately. Religious organizations, including religious schools, were required to register with the Ministry of Justice to obtain status as legal entities, which was necessary for them to own property, open bank accounts, and otherwise engage in contractual activities. Under the tax code, religious organizations were required to pay taxes on commercial activities. The Ministry's registration process was cumbersome, taking a month on average. In practice the Ministry never registered a religious organization without prior registration by the SCRA.

Several religious organizations had difficulty registering with the SCRA. The majority of these were small Christian congregations. On February 28, the SCRA approved the application for registration of the Catholic Mission, which previously experienced difficulties with registration, possibly related to procedural errors in its application. Registration of the Roman Catholic Church was finalized in October. According to the SCRA, all Muslim communities that applied for registration were registered successfully. In February the SCRA and the OSCE cohosted a regional conference on religious tolerance in Jalal-Abad.

The Government was concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labeled "Wahabbis." Armed incursions by militants of the IMU in the summers of 1999 and 2000 increased the Government's apprehension about radical Islam and the actions of its followers. The Government continued to express concern about groups that it viewed as extremist with either radical religious or political agendas. In September senior law enforcement officials testified in Parliament that the primary danger to the state came from religious extremists and the outlawed Hizb ut-Tahrir organization.

A number of missionary groups operated in the country. Missionary groups are required to register with the Government, and in the last 5 years more than 700 foreign missionaries were registered. However, according to official statistics, since independence authorities ordered approximately 20 missionaries who disseminated dogma inconsistent with the traditional customs of Kyrgyz Muslims to leave the country. Information on the religion of these missionaries was not available. Government authorities indicated that they would monitor the activities of the Unification Church, which was led by Reverend Moon, although there were no reports of interference with its activities. The Unification Church was not active in the country, but it had a presence through the charity organization of Reverend Moon's wife.

The Government expressly forbids the teaching of both religion and atheism in public schools. In 2001 the Government instructed the SCRA to draw up programs for training clergy and to prepare methodologies for teaching about religion in public schools. These instructions came in response to concerns about the spread of Wahhabism and what the Government considers to be unconventional religious sects. The SCRA is developing a program to teach about various religions, in cooperation with the Ministry of Education and several academic institutions. However, the program was not implemented by year's end due to lack of funding.

A government decree passed in January imposed strict control on printing activities and instructed the SCRA to issue a report listing all registered religious organizations and creating an inventory of houses of worship. Following protests by local

media, human rights NGOs, and other organizations, the decree was rescinded in May.

On January 11, the National Security Service (NSS) detained Bakhodyr Akhmedov, head of the Committee to Protect Muslims' Rights and son of a prominent Jalal-Abad imam, on illegal weapons possession charges. On December 30, he was sentenced to time served on the charge and released.

The arrest and prosecution of persons accused of possessing and distributing literature of the Hizb ut-Tahrir organization increased during the year. Most arrests occurred in the South and involved ethnic Uzbeks; those arrested typically were charged with violation of Article 299 of the Criminal Code, which prohibits the distribution of literature inciting ethnic, racial, or religious hatred. The SCRA chairman stated in October that there were approximately 2,000 Hizb ut-Tahrir followers in the country.

Arrest figures varied depending on the source. The MVD reported that during the year 47 Hizb ut-Tahrir-related cases were investigated by authorities; 49 persons were detained for Hizb ut-Tahrir membership and distribution of its literature, and criminal proceedings were initiated against 40 individuals. In July two Islamic activists in the southern city of Osh were sentenced to 5 years in prison for distributing and possessing Hizb ut-Tahrir materials. According to the International Crisis Group (ICG), which monitors Hizb ut-Tahrir in the South, during 2001 police detained 49 persons in Osh Oblast and 86 in Jalal-Abad Oblast. Of those arrested in Osh Oblast, the Government criminally prosecuted 30. The ICG estimated that the number of prosecutions in Jalal-Abad Oblast was approximately the same. The SNB reported 117 arrests of Hizb ut-Tahrir members in Jalal-Abad Oblast in 2001.

In March members of the Jewish Cultural Society reported that they heard calls for anti-Semitic violence issued in Russian and Kyrgyz from a loudspeaker at a Bishkek mosque.

There was anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Converts from Islam at times faced discrimination. In May the family of a Baptist convert in Naryn was refused permission to bury him in the local Muslim cemetery. Similar incidents were reported in the Issyk-Kul and Chui Oblasts. Muslim and Russian Orthodox spiritual leaders defended such actions with criticism of nontraditional Christian groups' proselytizing activities. The SCRA chairman called for tolerance on all sides.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires that citizens have an official government permit (*propiska*) to work and settle in a particular area of the country. Applicants for such a residence permit had to file a request for registration with the local police and be able to prove that they have a permanent residence in the area. In addition, home and apartment owners could sell their property legally only to buyers with such permits. During the year, law enforcement agencies conducted sweeps and random checks to verify the proper registration of residents (*see* Section 1.f.). Authorities fined or imprisoned individuals without residence permits stamped in their passports. Local administrations tied the availability of utilities and social services to registration; individuals who do not register may not have proper access to water, heat, light, subsidized health care, or schooling. The linkage between obtaining a residence permit and obtaining community services disproportionately affected the growing number of internal migrants. Many employers refused to hire applicants residing illegally. In July a new law on internal migration took effect that was developed with the OSCE's assistance. The law's provisions, aimed at moving away from the *propiska* system, were not yet implemented by year's end.

There was no law on emigration. All passport applications were reviewed by the Ministry of National Security. There were no exit visa requirements and citizens could travel abroad without an exit visa. Unlike in the past, travelers were not required to present letters of invitation to receive an "international page" if they had never traveled abroad. After the validation of the passport, travel was unrestricted. The law prohibits emigration within 5 years of working with state secrets; however, there were no reports that anyone was barred from emigration under this statute during the year.

Although official figures were not available, press reports indicated that the emigration of both ethnic Russians and Russian speakers continued during the year, primarily as a result of the lack of economic opportunities. According to the Inter-

national Organization for Migration (IOM), approximately 100,000 Kyrgyz labor migrants worked in Kazakhstan and Russia.

Emigrants were not prevented from returning to the country, and there reportedly was a small but steady flow of returnees.

The law provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law provides for first asylum. According to the U.N. High Commission on Refugees (UNHCR), a total of approximately 500 refugees from Chechnya had received first asylum. Chechen refugees were not granted official refugee status by the Government, but were allowed to obtain asylum seeker status, which provided them with some legal protection. Chechen refugees reported experiencing low-level harassment from law enforcement officials.

Other asylum seekers who received permission to stay in the country while their applications for refugee status were pending included 114 Afghans and 5 ethnic Uighurs from China. The UNHCR has registered 2,004 Afghans in the country, of whom 804 had refugee status from the Government, 800 were without status, and 400 had status pending. These refugees, most of whom were ethnic Tajiks, tended to live in small groups isolated from local populations and were viewed by the Government as a potential source of instability. More than 200 Afghan refugees were selected for resettlement in other countries. The Government granted refugee status to 81 Afghans and 127 Tajiks during the year. In addition to Afghans, there were 8,271 persons with refugee status in the country. Of these, six were from Iran and one was from Sri Lanka; the remainder were from Tajikistan. The Government denied four asylum requests by Afghans during the year. During the year, 1,328 cases were closed due to voluntary repatriation, naturalization by Tajik refugees, and resettlement in other countries. The Government cooperated with the office of the UNHCR and other international humanitarian organizations in assisting refugees.

The UNHCR maintained programs to provide medical aid, legal advice, and other services to refugees. The UNHCR also worked closely with the Government to develop documents for legal protection. In June the UNHCR organized the repatriation of 33 Afghan refugees to Afghanistan. According to the UNHCR, 68 Afghan refugees were repatriated during the year.

After September 11, 2001, the Government instituted new controls on the movement of some foreign nationals and conducted sweeps in order to find undocumented foreigners. The UNHCR estimated in 2001 that the Government detained approximately 300 foreigners, primarily Tajiks and Uzbeks but also including some Afghan refugees and asylum seekers, who were later released. The arrests were related to new security measures that included verification of the documents of noncitizens. During the year, refugees and asylum seekers continued to be subject to heightened security measures. The UNHCR intervened in several cases on behalf of individuals detained by the MVD until their status could be determined and documented.

There were no reports of the forced returns of persons to a country where they feared persecution, although there were reports in earlier years of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution. According to the UNHCR, Uighurs remained at risk of deportation, particularly if they were involved with political and religious activities in China. The UNHCR granted refugee status to eight Uighurs during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice, the Government restricted citizens' ability to do so. Both parliamentary and presidential elections held in 2000 were marred by serious irregularities.

The Government continued to impede the functioning of opposition political groupings and the expression of opposition views in the media. Opposition parliamentarians Azimbek Beknazarov and Adaham Madumarov reported in April that they were shadowed. Opposition newspapers were periodically refused printing services by the Government-controlled printing press, and journalists faced libel suits from government officials (*see* Section 2.a.).

President Askar Akayev dominated the Government. In 2000 President Akayev was elected to a third term as President. Although the Constitution specifies a two-term limit for the President, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the Soviet-era Constitution. The Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that international standards for equal, free, fair, and accountable elections were not met. The Government took steps to disqualify otherwise qualified candidates by charging and

convicting them on questionable criminal charges. There was intervention by local officials in the electoral process. Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates negatively influenced the fairness of the campaign. Pressure on a major domestic election-monitoring NGO violated fundamental freedoms, a step backward in comparison with the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Central Election Commission Chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The Constitution provides for parliamentary elections every 5 years. In 2000 the first and second rounds of parliamentary elections were held. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists. In the period prior to the parliamentary elections, the Government took numerous actions that disadvantaged opposition political parties. Four political parties were blocked from competing because their charters did not state specifically that they could compete in elections for state bodies. Because they were registered less than 1 year prior to the announcement of elections, 8 parties were barred from competing. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs. In decisions that appear to have been politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. A number of opposition candidates were harassed. Although there were improvements in overall election administration on the day of the vote, there were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

In 2001 nationwide elections of heads of city and village administrations were held for the first time; previously these officials had been appointed by the President. Voting was conducted in a generally orderly manner, although there were minor technical and organizational failures. Observers reported that it was the first time that voters were not pressured to vote for specific candidates. However, the preelectoral candidate selection process lacked transparency. Voter turnout in some regions was extremely low.

On October 20, parliamentary by-elections were held in four districts in Batken, Osh, and Jalal-Abad Oblasts. Observers reported the Jalal-Abad district elections were generally fair and expressed the will of the voters. In the Osh district elections, significant irregularities were observed, including voting without identity documents, multiple voting using the supplemental list, and distribution of ballots upon presentation of a student card.

There were 7 women in the 105-seat legislature. The Chief Justices of the Constitutional Court and the Supreme Court, the Minister of Education and Culture, and the Minister of Labor and Social Welfare were women. The Democratic Party of Women participated in the parliamentary elections in 2000 and won 2 party seats, earning 13 percent of the party-list votes. There were 19 seats in the legislature held by members of minority groups. Russians and Uzbeks were underrepresented in government positions. The Prime Minister, Minister of Agriculture, and Chief Justice of the Supreme Court were members of minority groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups generally operated in a hostile environment and were faced with continuous government pressure to curtail their activities. Despite this pressure, most domestic independent human rights organizations, including the KCHR and the Coalition for Democracy and Civil Society, were able to continue investigating and publishing their findings on human rights cases.

There was no action taken on the 2001 assault on the executive director of the Coalition for Democracy and Civil Society.

KCHR president Ramazan Dyryldayev, who fled the country in 2000 after being charged with failure to comply with the Labor Code in firing an employee, returned on April 15 and remained in the country since then. On April 18, the General Prosecutor's Office announced that there were no charges pending against Dyryldayev.

Authorities threatened criminal prosecution of and violence toward high-profile activists involved in human rights and civil society related NGOs. On February 7, human rights activist Aziza Abdurasulova was assaulted in Bishkek by two individuals while coming home from a meeting with hunger strikers. Robbery did not appear to be the motive, since nothing was taken. On March 19, Interior Minister

Akmataliev accused Tursunbek Akunov, chairman of the Human Rights Movement of Kyrgyzstan, of inciting protests that took place in Jalal-Abad Oblast on March 17 and said that a criminal case should be filed against Akunov.

A progovernment NGO called the Association of NGOs created by the Government in 2000 was largely inactive during the year.

A number of international groups reported on human rights problems in the country although none had offices in the country.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language. The Government expressed a strong commitment to protecting the rights of members of all ethnic and linguistic groups, as well as those of women; however, in practice it did not always ensure these rights effectively.

Women.—Violence against women, including domestic violence, was a problem. The law specifically prohibits domestic violence and spousal abuse.

Interior Ministry statistics indicated that during the year there were approximately 300 sexual crimes against women, but actual figures were probably significantly higher. Many crimes against women were not reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials.

Activists noted that rape was becoming more common, although it was not clear whether the incidence of rape or only the reporting of such attacks was becoming more common. The authorities often ignored such attacks. There were reports that police raped women in custody. The Government did not take specific action to deal with this problem of violence against women.

Several organizations provided services for victims of domestic violence. Organizations involved with battered women also lobbied for new laws on domestic violence. The Umut (Hope) Center in Bishkek, which had provided basic protection and counseling for battered women and girls, closed during the year due to a lack of funding. A new organization, the Association of Crisis Resolution Centers for Women and Children (ACRC), began operations with support from the Soros Foundation. ACRC has member organizations in Bishkek, Osh, Jalal-Abad, Naryn, Batken, Cholpon-Ata, and Talas. Another center in Bishkek, Sezim, maintained a staff of lawyers, psychologists, and doctors, and operated a crisis hot line for the public. Staff members conducted training, debates, and seminars on women's rights and family planning. During the year, Sezim sponsored a series of travelling theater educational performances on the problem of domestic violence in Batken, Osh, and Jalal-Abad Oblasts. There also were internationally funded crisis centers in both Talas and Jalal-Abad. In Naryn a crisis center operated by the NGO Tendesh maintained a hot line to support women affected by violence and provided psychological, legal, and medical assistance.

Trafficking in women and girls for the purpose of prostitution was a persistent problem (see Sections 6.c. and 6.f.).

Some rural inhabitants continued the traditional practice of kidnaping women and girls for forced marriage; the MVD reported that each year between 10 and 30 women were kidnaped and forced into marriage.

Sexual harassment is prohibited by law and is covered in the Criminal Code. Penalties range from fines to imprisonment.

Discrimination against women persisted. Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. The law gives equal status to women, and they were represented well in the work force, in professions, and in institutions of higher learning.

Women were prominent in law, medicine, accounting, and banking and played an active role in the rapidly growing nongovernmental sector. However, deteriorating economic conditions had a severe effect on women, who were more likely than men to lose their jobs. According to government statistics, the unemployment rate was 3.7 percent for women compared with 2.7 percent for men. The average wages for women were less than \$22 per month (1,022 soms), compared to \$35 per month (1,620 soms) for men. Women with children under the age of 16 accounted for 67 percent of unemployed women. Women made up the majority of pensioners, who have felt the negative effects of the country's economic downturn, which led to inflation and the erosion of pensions that often were paid late. Women's groups expressed particular concern about the situation of rural women. With the end of communism, traditional attitudes toward women reasserted themselves strongly in the countryside, where women were relegated to the roles of wife and mother, and educational opportunities were curtailed. Data indicated that women were becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

The Congress of Women operated legal clinics for women throughout the country to help counsel women on legal issues and women's problems. Center Mercy ran a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative, Agerim, had programs to assist needy families. According to Counterpart Consortium, 236 NGOs dealing with women's problems operated in the country during the year, of which 25 dealt with women's advocacy. Women's organizations focused on violence against women, gender equality, women's reproductive health, women's involvement in politics, and education in women's rights. One NGO, Diamond Association, focused on promoting the participation of women in traditional courts of elders.

Children.—There were government programs, many of them financed from abroad, directed at improving the condition of children; however, the Government lacked resources to address fully basic needs for shelter, food, and clothing.

The country had a 97 percent literacy rate. The Constitution states that education is compulsory and free of charge for the first 9 years. The Law on Education and the Law on Protection of Children's Rights require that secondary education be free and universal. These laws contradict the Constitutional mandate of 9 years' compulsory education but were adhered to instead of the Constitution.

Financial constraints prevented the Government from implementing free basic education for all students. Those families that kept their children in public schools had to pay burdensome administrative fees. Girls and boys attended school in equal ratios. According to UNICEF, the primary school enrollment ratio was 98 percent for both girls and boys. The secondary school enrollment ratio was 75 percent for boys and 83 percent for girls. The Criminal Code penalties for infringing on a student's right to obtain free secondary education range from receiving a public reprimand to 1 year of forced labor; the law penalizes parents who do not send their children to school or who obstruct their attendance. Many of those families who could afford it chose to send their children to more expensive private schools.

The Government has established two funds, Jetkinchek and Kadry XXI Veka (Cadres of the 21st Century), to provide educational benefits for low-income children and children with disabilities. Jetkinchek, a Presidential Educational Program created in 1999, provided assistance such as pens, books, and clothes to low-income children. The program was funded primarily by the Government but received assistance from international organizations. Kadry XXI Veka was financed by international organizations and helped some youth continue their education abroad.

According to the Government, deaths from tuberculosis accounted for almost half of all deaths among infants under 2 years of age, and the incidence of the disease continued to grow. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affected a large number of children, especially in rural areas. According to UNICEF, approximately 11 percent of infants were moderately or severely underweight. The infant mortality rate was 53 percent, and the under-five mortality rate was 63 percent. The Government provided health care for children. According to UNICEF, the Government financed 30 percent of routine vaccinations. The system of residence registration restricted access to social services, including healthcare and education, for children that belonged to certain groups, such as refugees, migrants, and internally displaced persons, and to noncitizens (*see* Section 2.d.).

Child abuse was a problem. Traditional social safety measures were inadequate to cope with the social pressures that affect families. There were increasing reports of abandonment due to parents' lack of resources to care for children, which led to larger numbers of children in institutions, foster care, or on the street. According to UNICEF, the children most at risk were those in these 3 categories, with 10- to 14-year-olds the highest-risk age group. State orphanages and foster homes faced a lack of resources and often were unable to provide proper care. The Kyrgyz Children's Fund (KCF) was concerned particularly about the growing number of street children, many of whom left home because of abusive or alcoholic parents or desperate economic conditions. Save the Children Fund and UNICEF estimated that as many of 7,000 children may live on the street, while the Government estimate was 1,500. As of January, 140 street children were officially registered in the city of Jalal-Abad, although the actual number was believed to be much higher. The majority of street children found temporary shelter at bazaars and bus or train stations. Approximately 80 percent of street children were internal migrants. In September NGOs and the Commission on the Affairs of Under-Age Children organized conferences in Bishkek and Osh on the problem of homelessness among children.

During the last 3 years, 36 persons were convicted for involvement of a child in prostitution, sexual actions, and for the production of pornography and 10 persons were convicted for sale and trafficking of children.

There were almost 300 child inspectors (MVD policemen) in the country charged with enforcing the law with respect to juveniles (*see* Section 6.f.).

The lack of social workers or a well-established social work tradition meant that cases involving abandoned or orphaned children were viewed typically as law enforcement matters. As a result, authorities conducted sweeps to round up and institutionalize street children. Children who were found were sent to orphanages and police holding centers, depending on the space available. The KCF had one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. The Svetlii Put shelter received training assistance from UNICEF and cared for more than 200 children during the year. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, cared for orphans. Approximately 120 children and 14 mothers lived in this village, which offered housing and a kindergarten. KCF also maintained a Children's Village in Issyk-Kul Oblast with capacity for 120 children.

Human rights groups noted that children who were arrested usually were denied lawyers. Police often did not notify parents of children who were arrested, and neither parents nor lawyers generally were present during questioning, despite laws to the contrary. Children often were intimidated into signing confessions.

The forced marriage of underage girls is illegal; however, it has become more common, and authorities often tacitly approved this practice. Cultural traditions and social structures discouraged victims from going to the authorities. The MVD reported that during the year six underage girls were kidnaped to become brides, but the actual number was probably significantly higher.

Girls were trafficked for the purpose of prostitution (*see* Section 6.f.).

Child labor was a problem (*see* Section 6.d.).

Human rights groups and the KCF monitored the condition of children and advocated for child rights. In response to the lack of a focal agency for protecting the rights of children, the Government established an interministerial body, the Commission on the Affairs of Under-Age Children, under the Office of the Prime Minister. This body provides a forum for discussing and coordinating responses to children's problems. The Commission was involved in the adoption in January of the National Program on Human Rights for 2002–10. The program contained components on children's rights, such as education, health care, and access to employment. The joint efforts of the Commission and several NGOs led to the adoption on July 12 of the Program on Homeless Children and Crime Prevention Among Under-Age Children for 2002–03.

The Government and its Commission continued to disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Culture, and Health, as well as the state television and radio company and various NGOs, also helped disseminate such information, including by translating information into Kyrgyz, Russian, and Uzbek to reach different segments of the population. The Children's Media Centre (CMC), a Bishkek-based NGO, produced magazine and video stories about children's rights and the situation of children in the country. Student journalists participating in the CMC were required to receive training on the main principles of the U.N. Convention on the Rights of the Child. During the year, the state-run television channel, KTR, began to donate airtime twice a month to the CMC's programs.

Persons with Disabilities.—The laws provide for convenient access to public transportation and parking for persons with disabilities, subsidies to mass media sources that make their services available to the hearing or visually impaired, and free plots of land for the construction of a home. The National Human Rights Program 2002–10, adopted by presidential decree in January, contains provisions for protection of the rights of children with disabilities.

In practice few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Social facilities for persons with mental disabilities were strained severely, because budgets have fallen and workloads remained heavy.

The Government provided support to a network of enterprises operated by the Society for Blind and Deaf. The Government also supported education programs for persons with disabilities. Seventeen blind students began studies in therapeutic massage at the Medical Academy. Numerous NGOs worked to improve conditions and provide services for children with disabilities.

National/Racial/Ethnic Minorities.—There were no further developments in the March 2000 murder of Nigmat Bakakov, a leading representative of the ethnic mi-

nority Uighur community. In February arson was suspected in a fire that destroyed Bishkek's Uighur market. There were no reports of violence or harassment of ethnic Uighurs during the year.

There were reports of discrimination in the treatment of citizens who were not ethnic Kyrgyz. Minorities alleged discrimination in hiring, promotion, and housing and that government officials at all levels favored ethnic Kyrgyz. The latest statistical data released in August reflected the following ethnic breakdown of the population: 66.3 percent were Kyrgyz; 11.2 percent were Russians; 14 percent were Uzbeks; 1.1 percent were Dungans (ethnic Chinese Muslims); and 1 percent were Uighurs. Other ethnic groups, including Tatars and Germans, made up 6.4 percent of the population.

When President Akayev reassigned key government posts in late May, he appointed Nikolai Tanayev, an ethnic Russian, as Prime Minister (*see* Section 1.e.). The only ethnic Uzbek appointment was Deputy Minister of Regional Development Bakhtiyar Fattahov.

According to participants at a May conference sponsored by the Soros Foundation, the main concerns of ethnic minorities in the country included limited representation in the executive branch of government, nationalistic attitudes, and biased media coverage. On July 20, Jalal-Abad businessman Kadyrjan Batyrov initiated an Assembly of Uzbeks to express demands for political representation at national and local levels and request greater cultural rights, such as Uzbek programs on state television and more Uzbek schools.

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly replaced Russian, and the Government announced that by 2010 all government documents are to be in Kyrgyz. Russian-speaking citizens (those who do not speak Kyrgyz) also alleged that a ceiling exists in government employment that precludes their promotion beyond a certain level. In 2001 President Akayev signed legislation that made Russian an official language. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned. In June ethnic Uzbeks sent a petition to the Government requesting that Uzbek be granted the status of a state language.

Since independence more than 400,000 ethnic Russians have emigrated (*see* Section 2.d.). In 2000 the Government signed a bilateral agreement with Russia clarifying the legal status of citizens of one country residing in the other country.

University education continued to be carried out largely in Russian (although Kyrgyz instruction was available in some departments in some universities where textbooks were available), so that Russian-language capability remained an important skill for those who wished to pursue higher learning.

Section 6. Worker Rights

a. The Right of Association.—The Labor Law provides for the right of all workers to form and belong to trade unions, and there were no reports that the Government tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remained the only trade union umbrella organization in the country, although unions were not required to belong to it. In 2001, the most recent year for which figures were available, the Federation had 980,400 members. According to the Federation, approximately 94 percent of workers in the country belonged to unions. There was one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 30,000.

The Federation was critical of government policies, especially privatization, and their effect on working class living standards. According to the Federation, the Government has taken no action in response to this criticism. The Federation continued to regard itself as being in a process of transition, during which it is adjusting its relations with the Government, other unions in the countries of the former Soviet Union, and other foreign unions. Growing numbers of smaller unions were not affiliated with the umbrella organization.

The law protects union members from antiunion discrimination, and there were no reports of discrimination against persons because of union activities.

The law permits unions to form and join federations and to affiliate with international trade union bodies; however, no meaningful affiliation with international trade union bodies took place.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of unions to negotiate for better wages and conditions; however, there were no cases of workers exercising this right during the year. Although overall union structure and practice has changed only slowly from those of the Soviet era, there was growing evidence of active union participation in state-owned and privatized enterprises.

The Government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not codified, strikes were not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse directed specifically at unions or individual workers. In early February, architectural design instructors at the Kyrgyz State University of Construction, Transport, and Architecture held a 4-day strike protesting the suspension of their salaries and the university administration's personnel policy. Their demands were met after the strike was reported in the local media. In mid-February, traders from 3 markets in Karakol held a 1-day strike protesting a local tax increase and demanding a reduction in fees for bazaar facilities. The head of the local district administration met with the strikers, but no further information was available about the status of their demands. In early October, local employees of the Turkish Entes company, involved in the reconstruction of the Osh-Bishkek highway, held a strike protesting a 3-month suspension of their wages. The strikers' demands were met after local authorities became involved in the case.

There were Free Economic Zones (FEZs) that were used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZs.

c. Prohibition of Forced or Bonded Labor.—The law forbids forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). The press reported that Kyrgyz citizens were forced to work without pay on tobacco farms in Kazakhstan.

Schools required children to participate in the tobacco harvest—some fields were located on school grounds—and the income earned went directly to the schools, not to the children (see Section 6.d.). The Government undertook additional initiatives to help protect minors from forced labor; however, since the budget was facing severe funding constraints, many children who were entitled to receive help did not receive it.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The minimum age for employment varied with the type of work, but was no lower than 14. According to the Labor Code, the minimum age for basic employment was 18. This was consistent with the age for completing educational requirements.

The Labor Code is contradictory in the requirements it sets for the minimum age of employment of youths in work that could harm their physical and moral well being (e.g., employment in casinos, bars, and night clubs). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to the Labor Code, children under the age of 16 are permitted to perform strenuous work with parental consent. However, minors younger than age 18 could not work in underground conditions. For children between ages 14 and 16, Article 319 sets the maximum daily hours of work at 5 to 7 hours, respectively; children under 16 could not work during night shifts. These laws also applied to children with disabilities who work. A July 2 decree banned the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including work in such sectors as the metal or oil and gas industries, mining and prospecting, food industry, entertainment, and machine building. The National Human Rights Program for 2002–10 also contains provisions aimed at eradicating exploitative child labor.

Child labor was a problem and was becoming more widespread both in towns and rural areas. According to participants in a September conference on child labor, child laborers were prevalent in the following sectors: Construction, prostitution, narcotics, tobacco, cotton, rice, cattle breeding, heavy industry, gasoline sales, car washing, shoe cleaning, retail sales of tobacco and alcohol, and work involving pesticides and chemicals. Since many children worked for their families or were “self-employed” in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conformed to government regulations. Families traditionally were large, and they considered it necessary at times for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGOs, child labor was particularly evident in the South. During the fall, classes were cancelled, and children were sent to fields to pick cotton. During the summer, children worked during the tobacco harvest and were involved in all steps of production from the actual picking of the leaves to the

preparation for shipping. Children also were involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The procurator's office and the State Labor Inspectorate were responsible for enforcing employers' compliance with the Labor Code laws. During the year the State Labor Inspectorate received \$10,400 (500,000 soms) in state budget funding and had a total of 64 inspectors throughout the country. The Legislative Assembly established a special commission on education, women's affairs, the family, and minors that oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Compliance with the labor code was enforced by trade unions; however, given its budget constraints and lack of resources, the Government was unable to enforce the child labor laws adequately. Although those employers caught violating the Labor Code may be charged with disciplinary, financial, administrative, or criminal penalties, the punishment was usually minimal. In recent years, the State Labor Inspectorate usually conducted 15 to 20 child labor inspections annually. The Federation of Trade Unions also had the right to carry out child labor inspections when it received a complaint.

The Government supported several social programs to prevent the engagement of children in exploitative child labor. Araket, a national poverty reduction program, provided financial support for low-income families. New Generation, a children's rights program, worked to define suitable working conditions for children and to introduce new methods of monitoring employers' compliance with labor legislation. Various ministries and local government officials met in September to discuss implementation of the program.

The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor and the country's laws and regulations do not define such forms of labor the same way as the ILO.

The law prohibits forced and bonded labor by children; however, some tobacco fields were located on school grounds, and schools required children to participate in the harvest. The income earned went directly to the schools, not to the children (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government mandated the national minimum wage. During the year, the legal minimum wage was approximately \$2 (100 soms) per month. In practice this wage was insufficient to ensure a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher actual minimum-level wages. According to official statistics, the lowest salaries paid in 2001, \$15 (734 soms) per month, were in the field of medicine. The Federation of Trade Unions was responsible for enforcing all labor laws, including the Law on Minimum Wages; minimum wage regulations largely were observed. Although, the enforcement of labor laws was nonexistent in the growing underground economy, market forces helped wages in the unofficial sector keep pace with official wage scales.

The standard workweek was 41 hours, usually within a 5-day week. For state-owned industries, there was a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories were poor. A deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. The State Inspectorate of Labor was responsible for protecting and educating workers as well as informing business owners of their respective rights and responsibilities. The law establishes occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions were assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. During the last 3 years, the State Labor Inspectorate carried out 3,400 inspections for all types of labor issues and detected approximately 17,000 violations. Workers had the legal right to remove themselves from unsafe working conditions; however, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

f. Trafficking in Persons.—The law does not address specifically trafficking in persons; however, trafficking was a persistent problem. Government officials facilitated, or were complicit in, trafficking.

There was no law specifically prohibiting trafficking in persons; however, existing laws could be used to prosecute traffickers for kidnaping, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws was 15 years; however, the very few traffickers who were caught received lenient sentences or fines.

Accurate and comprehensive information on the number of persons convicted for trafficking-related offences during the year was not available. According to the Government, four criminal cases were initiated in connection with illegal recruitment of persons during the year. In addition, there were 28 criminal cases (on charges of illegally crossing the border) brought against 31 persons who were potential victims of trafficking. The Government did not actively investigate specific cases of trafficking or provide any specialized training for trafficking investigations. Law enforcement bodies considered trafficking under the umbrella of "contraband" or organized criminal groups and did not target trafficking specifically. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking, and corruption contributed to the problem. The Government did not extradite citizens charged with trafficking in other countries.

On April 21, President Akayev signed Presidential Decree 94 authorizing implementation of a national countertrafficking plan. The decree created a national council responsible for coordinating government efforts to implement the program. However, the Government lacked adequate resources to implement many aspects of the program.

The Government agencies involved in antitrafficking efforts were the Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration, and the State Committee for Tourism, Sport and Youth Policy. The Government created an Inter-Ministerial Council after the release of a 2001 IOM report to develop a plan of action to combat trafficking. The Council recommended that the Government cooperate with other governmental ministries and departments, as well as with international organizations, NGOs, and Interpol. Local NGOs stated that the Government did not cooperate with these groups to help assist victims although, according to Sezim, the General Procurator's Office cooperated in the past with Sezim and indicated a desire to increase cooperation. However, many observers stated that there appeared to be an overall lack of understanding of trafficking problems in the Government and inadequate training of law enforcement officers in identifying and fighting trafficking.

According to the IOM, approximately 4,000 women and 7 boys were trafficked abroad in 1999. No estimates were available for subsequent years; however, the IOM reported that it dealt with several cases of trafficking during the year. The country was primarily a source and transit point for trafficked persons, although there were a few reports of the country being a destination for women trafficked as prostitutes. According to the Ministry of Internal Affairs, 65 prostitutes from Uzbekistan and Tajikistan worked in the cities of Osh and Batken. According to the IOM, the country has become a transit point for individuals trafficked mostly from South Asia, China, and Afghanistan to the West. The exact number of those in transit was unknown. The country was a source for trafficked women and girls, largely to the United Arab Emirates, Turkey, Germany, and China, for the purpose of prostitution. Government and NGO data also indicated that women could have been trafficked to India, Iran, Sweden, Malaysia, Hong Kong, South Korea, Qatar, Italy, Luxembourg, Denmark, and Poland.

The IOM reported some instances of trafficking of children for prostitution and labor. A flourishing sex trade draws girls as young as age 10 from destitute mountain villages. According to the IOM, the sex trade involved trafficking abroad. The extent of this problem was unknown.

The Bishkek Migration Management Center (an independent NGO) and the State Agency of Migration estimated that between 500 and 5,000 persons, mostly poor farmers from the South, also may have been trafficked to Kazakhstan as forced laborers on tobacco plantations. An agreement drafted by the Legislative Assembly Committee on Kyrgyz Labor Migration, aimed at protecting the rights of Kyrgyz laborers in Kazakhstan, was under consideration by the Government. The local press also carried reports of Kyrgyz forced laborers trafficked to the United States.

Groups targeted by traffickers included young under- or unemployed women who were unable to earn a living, particularly ethnic Slavic women under the age of 25. Poor economic conditions, high unemployment, particularly in the South, and gender inequality made young women and poor workers vulnerable to traffickers who exploited them by offering lucrative jobs abroad. Often women were trafficked through deception and lured abroad, at times by means of newspaper advertisements, under the pretext of legitimate employment. Women responding to job offers for waitresses, au pairs, or dancers could find themselves abroad without documents or money for return tickets and forced to work for their traffickers. Internet marriage agencies also reportedly recruited young women with false offers of marriage to foreigners.

The IOM reported that traffickers were often persons who previously operated local prostitution networks. They used networks of returnees, family members, and friends to recruit victims. The IOM also indicated that tour agents, restaurants, and nightclubs supplemented their activities by providing young women to foreign prostitution rings. In July the MVD's migration services division reported that eight recruitment firms registered in the country advertised their services in helping women find work abroad but did not ask for any special qualifications. The IOM uncovered 28 trafficking firms by year's end.

Observers widely believed that some government authorities might have facilitated or otherwise been complicit in trafficking activities. In 1999 and 2000, 11 law enforcement officers were accused of preparing fraudulent documentation for trafficked women, and criminal proceedings were instituted against 3 of the accused officers. The results of the proceedings were unknown, although there was no evidence that the officers were tried.

According to NGOs, victims in destination countries often had their identification documents taken away, were punished with gang rape if they tried to resist or escape, and were denied medical treatment.

NGOs reported that the Government deported foreign victims of trafficking. According to an NGO, TAIS-Plus, three Uzbek women who had been sex workers were deported to Uzbekistan in 2001. The IOM reported that women working in the UAE were often deported to Azerbaijan. Many of those who transited the country were abandoned by the traffickers and lived in hiding out of fear of being discovered by authorities. The OSCE and IOM reported that many of those who returned from commercial work overseas stated that they were forced to pay bribes to law enforcement officials to avoid imprisonment. According to NGOs, the Government did not assist trafficking victims with any special services or care facilities and did not provide funding to foreign or domestic NGOs for services to victims. The Government did not provide assistance to its repatriated nationals who were trafficking victims.

International NGOs that were involved in trafficking issues included the IOM and OSCE. The IOM conducted a series of workshops for law enforcement officers. A number of NGOs—including Women's Support Center, TAIS-Plus, Sotsium, Sezim and Umot—provided legal, medical, and psychological counseling and assistance and economic aid to victims of trafficking. Several media articles raised public awareness of the problem.

The IOM, OSCE, and local organizations sponsored various preventive programs. In January the OSCE and IOM produced antitrafficking public service announcements. The IOM held numerous roundtables and workshops to increase awareness among the Government, nonprofit, tourism, and media sectors. The Women Support Center distributed brochures in Kyrgyz and Russian targeting women who may be approached about going abroad.

LATVIA

Latvia is a parliamentary democracy. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament. The Parliament elected Vaira Vike-Freiberga to a 4-year term in June 1999. The October 1998 elections for the 100-seat Parliament and the national referendum to amend the Citizenship Law to meet European standards were free and fair. The Constitution provides for an independent judiciary; although there was some improvement in the quality of the judiciary, significant problems, including inefficiency and allegations of corruption, remained.

The security apparatus consists of the national police and other services—such as the Special Immigration Police and the Border Guards—who are subordinate to the Ministry of Interior, municipal police who are under local government control, the military Counterintelligence Service and a protective service which are under the Ministry of Defense, and the National Guard—an element of the national armed forces—which also assists in police activities. Civilian authorities generally maintained effective control of the security forces. The Constitution Protection Bureau is responsible for coordinating intelligence activities. Members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

Privatization essentially is complete, although some large utility companies remained in state hands including the national electric company, railroads, and shipping. Two-thirds of employment and 60 percent of gross domestic product is now in the private sector. The country has a population of approximately 2.5 million. The currency remained stable and was traded freely; unemployment was 7.9 percent, and annual inflation was 3 percent.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, there were problems in some areas. Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force and mistreated persons. In most instances, the Government took disciplinary measures against those responsible. Prison conditions remained poor. Lengthy pretrial detention was a problem. The inefficient judiciary did not always ensure the fair administration of justice. Violence against women was a problem, and women were discriminated against in the workplace. Child prostitution and abuse were problems. There were some reports of discrimination on the basis of ethnicity. Trafficking in women and girls for the purpose of prostitution was a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. Latvia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Fifteen members of the army's Special Operations Unit were convicted in May in connection with the hazing death of a conscript in 2001. The ringleader was sentenced to 3 years probation, and the other 14 soldiers received suspended sentences. In addition, the army's anti-hazing program was fully established.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that members of the security forces used excessive force and mistreated persons.

The Government took action against those responsible for the abuse of prisoners. According to the National Human Rights Office (NHRO), which records and investigates allegations of abuse of prisoners, 32 prisoner complaints were received during the year, of which 9 were resolved, 1 was dismissed, and the remainder were pending resolution.

There were credible reports of police violence. In one case, two officers were accused of beating an individual who was subsequently hospitalized. The officers have been suspended pending resolution of the case. On another occasion, members of Parliament demanded a written report regarding the videotaped beating of a suspect by police. In this case, the victims chose not to file a complaint, and no charges were brought against the officers.

Prison conditions remained poor, although progress continued in renovating older facilities. The Central Prison Administration opened a newly renovated wing at the Riga Central Prison during the year. Overcrowding remained a problem, particularly in facilities that housed prisoners awaiting trial, which were at 110 percent of capacity. In 2001 the Government enacted "temporary regulations" designed to ease the conditions for those held in such detention facilities, including restrictions on the number of occupants per cell and the continuation of the physical rehabilitation of older prisons. Government figures indicated that regular prisons were filled to 85 percent of overall capacity. Despite efforts by the Central Prison Administration, inadequate sanitation facilities, a persistent shortage of medical care, and insufficient lighting and ventilation were common problems; all stemmed from a lack of resources. During the year, the NHRO received 51 complaints regarding treatment by guards in prisons and other places of detention; these complaints were forwarded to the appropriate government offices for action. The Government, as well as human rights groups, remained concerned regarding the high number of drug-resistant tuberculosis cases, and the Government received assistance from several foreign organizations to address this problem. Due in part to action by prison authorities, the number of such cases—including primary and acquired multi-drug resistant tuberculosis cases at Riga Central Prison Hospital—continued to decline. The overcrowding at Riga Prison Hospital eased during the year.

Efforts to improve the criminal code progressed; a draft of the new code was circulated prior to its scheduled submission to Parliament in early 2003. Lengthy pretrial detention of juveniles remained a problem; however, the number of such detainees decreased (*see* Section 1.d.). In 2001 the President visited the Brasas Detention Facility and publicly criticized the conditions in which the juveniles were incarcerated and the length of their pretrial confinement. Female prisoners were held separately from male prisoners, and juveniles were held separately from adults.

Overall 43 percent of all prisoners in the country were awaiting trial at year's end (*see* Section 1.d.). Unlike convicted criminals, persons in pretrial detention were not allowed to work or go to school, had limited contact with outside NGOs or family, and suffered from considerably worse living conditions than prisoners in general. Pretrial detainees were held separately from convicted criminals.

The Government permitted independent human rights observers to visit prisons. Domestic groups, such as the Latvian Center for Human Rights and Ethnic Studies, closely monitored prison conditions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, at times the Government did not respect these prohibitions in practice. The law requires the Prosecutor's Office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. The courts have responsibility for issuing arrest warrants. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial. According to credible reports, these rights were not always respected in practice, especially outside of Riga.

According to Ministry of Interior personnel, detainees awaiting trial spend an average of 2 years in prison, but in practice pretrial detention could last much longer. More than 43 percent of all inmates were in pretrial detention. On November 1, the Ministry of Justice implemented changes to the Criminal Procedures Code limiting pre-trial detention to no more than 18 months from the first filing of the case, and amendments limiting the detention period for minors were also enacted. As a result of these changes, 91 persons were released from detention. The number of minors held at the Brasas facility dropped from 192 in 2001 to 58 by year's end.

The law prohibits forced exile, and there were no reports that the Government employed it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, while training and increased compensation resulted in some improvements in the quality of the judiciary, significant problems, including inefficiency and allegations of corruption, remained. In December both the President and the Minister of Justice called for improvements in the qualifications of the judiciary. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The judicial structure is composed of district (city) courts, regional courts, which hear appeals from district courts, the Supreme Court, which is the highest appeals court, and the Constitutional Court. The Constitutional Court is a seven-judge panel that is authorized to hear cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated. For more serious criminal cases, two lay assessors join the professional judge on the bench at the district and regional levels.

Corruption in the judicial system was allegedly widespread. On December 3, the Justice Minister stated that the new Anti-corruption Bureau should investigate the actions of judges suspected of corruption. In November the European Court of Human Rights (ECHR) issued a ruling in the long-running case of Aleksander Lavent, who had been convicted in August of offenses involving the collapse of his bank. The ECHR ruled that the Government violated Lavent's rights to liberty and security, that the courts had not been independent and impartial, and that Lavent had been denied the right to a fair hearing within a reasonable period of time. The Government was ordered to pay Lavent's court costs, but no punitive damages were imposed.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the lack of an effective bailiff or sheriff system. The law allows for alternative punishments, including community service; however, the courts rarely used alternative punishments.

Lengthy pretrial detention was a problem (*see* Section 1.d.). During the year, the NHRO reviewed 143 cases regarding the right to a fair and timely trial. By year's end, a domestic human rights NGO recorded four complaints regarding the right to a fair and public trial within a reasonable time. An outdated and time-consuming judicial process, the lack of plea-bargaining, and a shortage of judges have so overloaded the courts that the average case takes 2 years to reach judicial review.

Court decisions were not published systematically, nor was there a centralized index for those that were published. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State lends funds to indigent defendants for this purpose. De-

endants have the right to read all charges, confront all witnesses, and may call witnesses and offer evidence to support their case. They also may make multiple appeals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. The law requires that law enforcement authorities have a judicial warrant to intercept citizens' mail, telephone calls, or other forms of communication. The laws protecting privacy apply to citizens and noncitizens equally. There were no credible reports of the unsanctioned wiretapping of telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The Press Law prohibits censorship of the press or other mass media; however, the Law on the Media contains a number of restrictive provisions regulating the content and language of broadcasts. At least 51 percent of television broadcasts must be of European origin, of which 40 percent should be in the Latvian language; however, these provisions were not always implemented. In addition, foreign investment may not exceed 20 percent of the capital in electronic media organizations.

Both Latvian and Russian language newspapers published a wide range of political criticism and viewpoints. Most newspapers and magazines were owned privately. A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of persons receiving satellite television broadcasts continued to increase.

The Government generally did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. The law also requires protesters to remain specified distances from foreign diplomatic missions, the Parliament, the Prosecutor's Office, and certain other public institutions. Independent human rights organizations argued that the law's provisions were contradictory and confusing. Nevertheless, numerous demonstrations took place peacefully and without government interference during the year.

The Constitution provides for freedom of association, and the Government generally respected these rights in practice; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. Noncitizens may join and form political parties, but there must be at least 200 citizens in the party, and at least half of the total membership must be citizens (*see* Section 3). More than 40 political parties were registered officially.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, bureaucratic problems for minority religions persisted.

There is no state religion; however, the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the law accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or for other financial transactions, as well as tax benefits for donors. Registration also eases the rule for public gatherings.

According to Ministry of Justice officials, most registration applications are approved once proper documents are submitted; however, the law does not permit simultaneous registration of more than one religious union (church) in a single confession, and the Government has denied applications on this basis.

Visa regulations require that religious workers present either an ordination certificate or evidence of religious education that corresponds to a Latvian bachelor's degree in theology. The visa application process still is cumbersome; however, difficulties in this area diminished, and Citizenship and Migration Department officials worked to ease the situation. The Government cooperated to resolve several difficult visa cases in favor of missionary workers.

Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only domestic religious organizations may invite

them to conduct such activities. Foreign religious denominations criticized this provision.

The law provides that religion may be taught to students in public schools on a voluntary basis only by representatives of the Evangelical Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish religions. The State provides funds for this education. Students at state-supported national minority schools also may receive education on the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only.

Property restitution has been substantially completed. An agreement between the Observant and non-Observant Jewish communities opened the way to settling the status of the properties remaining.

Relations between the various religious communities were generally amicable. Ecumenism remains a new concept in the country, and traditional religions have adopted a reserved attitude toward the concept. Although government officials encouraged a broader understanding of and acceptance of newer religions, suspicions remained regarding newer nontraditional faiths.

Ethnicity is only indicated in citizen passports at the bearer's request (*see* Section 5). Jews are considered an ethnic group and are listed as such, rather than as Latvian, Russian, or other.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law stipulates that registered permanent resident noncitizens enjoy the right to establish and change residences, travel abroad, and return to the country; however, certain rights are denied to noncitizen residents (*see* Section 3). They are prohibited from working as armed guards or criminal trial attorneys. Noncitizens may own land only under complex procedures but may not purchase land in the border zones. The law also provides for the issuance of a noncitizen travel document that certifies these rights. The Government has readmitted noncitizens who claimed refugee status in a foreign country or who voluntarily abandoned their permanent residence and then decided to return to the country to live and work. Noncitizens who left the country as refugees during the Soviet era had no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Special immigration police and border guard units help prescreen asylum requests. Decisions of the Citizens and Migration Affairs Office may be appealed to the Asylum Appeals Board in the Ministry of Justice. The issue of provision of first asylum did not arise during the year. According to statistics provided by the immigration police, 6,314 undocumented aliens were identified at the border; most were denied entry. A total of 254 illegal immigrants were apprehended (219 within the country and 35 at the border), of whom 132 departed voluntarily and the rest were deported. The Government has approached Russia and Belarus about concluding refugee readmission agreements, the lack of which posed a major barrier to effective control of the eastern border; however, no such agreements had been concluded by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Free and fair elections for Parliament were held on October 5. Candidates from 6 of the 20 participating parties, representing a broad political spectrum, won seats in Parliament, and 72.5 percent of eligible voters participated. In June 1999, the Parliament elected the President.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 1991, or who worked for such institutions as the former Soviet Committee for State Security, from seeking elected office. Noncitizens, most of whom are ethnic Russians, are not allowed to vote; however, many ethnic Russians are Latvian citizens and may vote (*see* Section 5). Noncitizens may join and form political parties, but there must be at least 200 citizens in the party, and at least half of the total membership must be citizens (*see* Section 2.b.).

In April the ECHR ruled that the Government had violated the rights of Ingrida Podkolzina, an ethnic Russian citizen, to free elections and awarded her \$7,500 (12,300 lats) for non-pecuniary damage and \$1,500 (2,460 lats) for legal costs and expenses. In 1998 the Central Election Commission denied Podkolzina the right to stand for election to Parliament on the grounds that she did not possess an adequate command of Latvian, despite the fact that she held a valid certificate attesting that she spoke Latvian fluently. The ECHR declined, however, to rule, on the validity of the basic law itself. In May the Parliament rescinded the Latvian language requirements of the local and parliamentary laws, which had required a higher level of Latvian language proficiency for voters than was required for citizenship.

In October 18 women were elected to the 100-member Parliament, and a woman chaired the Parliament. There were two women in the 15-member Cabinet of Ministers. The President is a woman.

There are no ethnic restrictions on eligibility to hold political office. Nonethnic Latvians, including ethnic Russians and Poles, served in various elected bodies.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A growing number of domestic and international human rights groups devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, generally operated without government restriction. Several organizations dealt with issues of concern to local noncitizens and other nonethnic Latvians and presented such concerns to the courts and the press. The Government engaged in dialog with NGOs working on human rights issues and was generally responsive to their views. A number of NGOs provided assistance to those who wished to complain about police abuse or abuse in prisons (*see* Section 1.c.).

The NHRO is an independent governmental institution with a mandate to promote human rights, provide information on human rights, investigate individual complaints, and initiate its own investigations into alleged violations. The office acted as a general ombudsman on social issues and handled a variety of individual complaints, primarily concerning problems with receiving social benefits.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

According to the Constitution, all citizens are equal under the law. Amendments to the Constitution passed by Parliament in 1998 provide for the protection from discrimination due to race, sex, language, or disability; however, discrimination against women in the workplace was a problem.

Women.—Although no overall statistics were available, observers reported that domestic violence against women, often connected with alcohol abuse, was significant and underreported. Police did not compile figures for domestic violence as a distinct category. Instead, episodes were placed under more general categories such as assault or battery. During the year, 93 rape cases were reported. Women who were victims of abuse often were uninformed about their rights and were reluctant to seek redress through the justice system. Human rights groups asserted that the legal system, including the courts, tended to downplay the seriousness of domestic violence and that the police were reluctant at times to make arrests in such cases.

There are no shelters designed specifically for battered or abused women. There is one shelter in Riga where homeless women with children may reside for up to 2 months. There are no specific rape or assault hot lines; however, NGOs managed two crisis hot lines.

Prostitution was widespread and often was linked to organized crime. The Government estimated that 3,000 persons worked as prostitutes. Prostitution is legal; however, procuring is not, but the NHRO reported that adult prostitutes had no legal protections. There are no state institutions to assist prostitutes; however, the private Latvian Center for Gender Problems provided medical help and social support for prostitutes. Trafficking in women for prostitution was a problem (*see* Section 6.f.).

Sexual harassment of women in the workplace, although illegal, reportedly was common. Cultural factors tended to discourage women from coming forth publicly with complaints of abuse.

Women possessed the same legal rights as men. The Labor Code bans employment discrimination; however, in practice women frequently faced hiring and pay discrimination, especially in the emerging private sector. The Labor Code also prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the Cabinet and labor unions. According to the Central Statistics Bureau, the number of women in the lower income brackets exceeded the number of men by 75 percent, while men outnumbered women 2 to

1 in upper income levels. The Ministry of Welfare established a 1-person office to deal with gender problems.

A new labor law prohibits work and pay discrimination based on gender and requires employers to set equal pay for equal work. The law also defines workplace gender-based discrimination.

Women's advocacy groups—growing in size and number—were involved in finding employment for women, lobbying for increased social benefits, and assisting victims of domestic abuse.

Children.—The law on the rights of the child and constitutional provisions on children provide for various protections, including health care and legal protections against physical abuse; however, these provisions were not enforced fully in practice. Schooling is mandatory through the 9th grade, between the ages of 7 and 16, and free through the 12th grade, or age 18. Despite the existence of laws on mandatory education, truancy was widespread and growing. There is a national Center for the Protection of the Rights of the Child. A few children's advocacy groups were active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases; however, evidence suggested that abandonment and child abuse, including sexual abuse, were relatively widespread, as was child prostitution. An estimated 12 to 15 percent of prostitutes were between the ages of 8 and 18. Although in theory the Constitution and the law protect children, these rights were enforced only sporadically in the case of child prostitutes. Trafficking in young girls for prostitution abroad increased (*see* Section 6.f.).

The Dardedze Center Against Abuse, opened in Riga in 2001, continued to provide support to abused children. The center offered multidisciplinary treatment and rehabilitation to victims of child abuse and their families. The center also has a forensic interview room where victims can be interviewed in a secure environment and their testimony directly transmitted to a courtroom.

Persons with Disabilities.—The Constitution provides for the protection of persons with disabilities against discrimination; the law provides for their right of access to public facilities. Provisions in the Labor Law and other laws aim to protect persons with disabilities from bias in the workplace and from job discrimination. There is no governmental or societal bias against persons with disabilities. In 1998 the Cabinet adopted a framework document entitled "Equal Opportunity for Everyone," which was designed to coordinate the efforts of all branches of government in assisting persons with disabilities; however, lack of funding has limited its effectiveness. The Government supported special schools for persons with disabilities.

The law requires buildings to be accessible to wheelchairs; however, the Government did not enforce the law uniformly and most buildings were not wheelchair accessible. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

National/Racial/Ethnic Minorities.—Approximately 1 million residents are of non-Latvian ethnicity, including more than 700,000 ethnic Russians, 100,000 ethnic Belarussians, almost 64,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. More than 74 percent of the country's inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are approximately 583,000 resident noncitizens, of whom an estimated 68 percent are Russian; 12 percent, Belarussian; 9 percent, Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians. Due to the Russification policy pursued during the Soviet era, ethnic Latvians constitute only 56 percent of the population, and 78 percent of citizens—and less than 40 percent of the population in three of the country's seven cities, including the capital city of Riga. The country's Romani community nearly was destroyed during the Holocaust. While the community received some support from the Government, high levels of unemployment and illiteracy were problems.

Effective this year, citizen passports no longer identify the ethnicity of the bearer. Should the bearer choose, ethnicity may be identified by an amendment on the second page (*see* Section 2.c.).

Following the restoration of independence in 1991, citizenship was accorded immediately only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. After independence the status of approximately 670,000 persons, mostly ethnic Russians, changed from citizens of the Soviet Union to noncitizen residents in Latvia. Since 1995 a total of 58,145 persons have become citizens: 23,000 were naturalized in 2000 and 2001, and an additional 9,000 were naturalized during the year. To facilitate the naturalization process, the

Government reduced significantly the naturalization fee and accepted high school level language certificates as sufficient for naturalization purposes. To increase the rate of naturalization, in 2001 the Latvian Naturalization Board implemented an advertising campaign in cooperation with the Organization for Security and Co-operation in Europe (OSCE), the U.N. Development Program, and other international donors.

The Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on the naturalization of former Soviet intelligence and military personnel. The law also requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to the country. According to Naturalization Board figures, nearly 95 percent of applicants passed the citizenship tests on the first attempt. Children of noncitizens born after August 1992 are entitled to citizenship upon application. International observers, including the resident OSCE mission, credited the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law and generally applying the law fairly. However, international experts, government officials, and domestic human rights monitors agreed that the country must continue to place high priority on and devote sufficient resources to implementing the citizenship law in a fair and impartial manner, as well as seek ways to expedite naturalization and promote social integration.

The Language Law regulates the uses of language that affect public safety, health care, protection of the consumer, and labor rights and requires that documents submitted to the Government be translated into Latvian, except in cases of emergency, including company reports and records. In a public event co-organized by the State, one of the working languages must be Latvian. Labels and user instructions for goods sold must be in Latvian, although other languages may be present as well. However, the implementation of this law remained a matter of public debate and continued international attention.

The Government financially supported education in both Latvian and Russian, as well as in eight other minority languages. However, under the revised Education Law, the Government continued to implement a bilingual education program at the elementary school level, with the goal of facilitating the transition to Latvian-language secondary schools by 2004. Although all non-Latvian-speaking students in public schools were supposed to learn Latvian and to study a minimum number of subjects in Latvian, there was a shortage of qualified teachers. State-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a language entrance examination. However, several private institutions offered higher education in Russian.

Section 6. Worker Rights

a. The Right of Association.—The law stipulates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing; however, the Government's ability to protect the right to organize in the private sector was weak. Union membership was approximately 240,000 out of a workforce of 800,000. Free elections for union leadership are held every 4 years.

Unions are free to affiliate in confederations, and there was one such confederation in the country. Unions also are free to affiliate internationally and have established contacts with European labor unions and international labor union organizations.

b. The Right to Organize and Bargain Collectively.—Labor unions have the right to bargain collectively and are generally free of government interference in their negotiations with employers. Collective bargaining agreements were common and were negotiated by industry or company. The law prohibits discrimination against union members and organizers. While not widespread, discrimination occurred within individual companies.

The law does not limit the right to strike, but there were no major strikes during the year. The law bans the dismissal of employees who have invoked the right to strike. No cases of such dismissals were reported.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate were responsible for enforcing the law.

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for employment of children is 15 years, although children between the ages of 13 and 15 years may work in certain jobs outside of school hours.

The law restricts employment of those under the age of 18; for example, by banning night shift or overtime work. Enforcement of child labor laws was lax.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The monthly legally mandated minimum wage was approximately \$98 (60 lats), far below the amount that trade union officials described as the bare minimum necessary for survival; it did not provide a decent standard of living for a worker and family. The actual average monthly minimum wage (the calculation of which includes wages of part-time employees and agricultural workers) was \$286 (176 lats).

The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace; however, these standards frequently are ignored. Workers have the legal right to remove themselves from hazardous work situations without endangering their continued employment; however, these standards also frequently were ignored in practice.

f. Trafficking in Persons.—There is no law that specifically prohibits all forms of trafficking, although a 2000 Criminal Code revision makes it illegal forcibly to send a person to a foreign country for the purpose of sexual exploitation. On December 11, the Government signed the U.N. Protocols to Prevent, Suppress and Punish Trafficking in Persons and Against the Smuggling of Migrants. Trafficking in women for the purpose of prostitution was a problem (*see* Section 5).

During the year, there were 14 cases of trafficking, of which 6 were referred to the courts for prosecution and 8 remained under investigation at year's end.

Over the last 2 years, the Government allocated more resources towards combating trafficking in persons. There is a high-level working group on trafficking, and the Ministry of Interior, which includes the State Police and the Citizenship and Migration Department, is the principal government ministry involved in the trafficking problem. Also participating in the working group are representatives from the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Welfare, and the National Center for the Protection of the Rights of the Child. The Government has allocated funds to increase the number of police officers tasked with fighting prostitution and trafficking. However, NGOs were concerned that the Government had not developed a strategy for focusing on the problem.

Latvia was primarily a country of origin and transit for trafficked victims rather than a destination, although no exact statistics were available. The main countries of destination were Germany, Switzerland, Denmark, Spain, Greece, Italy, the United Kingdom, and to a lesser extent Cyprus and Israel. Statistics released by European police services indicated that the number of Latvian women involved as victims of trafficking increased. In 2001 a total of 186 women (not all necessarily involved in trafficking) were deported back to the country. According to authorities in Germany, Switzerland, Sweden, and Denmark, Latvian women made up a disproportionately high number of the women engaged in prostitution in those countries as well as a high number of trafficked women in those countries. There were undocumented reports that trafficking in women (including minors) for prostitution abroad increased (*see* Section 5).

Traffickers, primarily organized criminal groups, usually lured victims through offers of false employment in European countries. A large number of victims were drawn from the economically depressed areas of eastern Latvia. Other victims were recruited through job advertisements, modeling agencies, travel agencies, and nightclubs.

There are virtually no trafficking victims assistance programs in the country. Upon returning to the country, victims of trafficking were not singled out for governmental or societal abuse or mistreatment, and they can return home. Genders was the primary NGO involved in working with prostitutes, and two NGOs have begun operations to educate adolescents regarding trafficking issues. Throughout the year, several NGOs, particularly the International Organization for Migration (IOM) sponsored several conferences on Trafficking. In addition, IOM sponsored an aggressive advertising campaign warning of the dangers of accepting attractive employment offers from abroad. The posters were prominently displayed in bus stops and other public venues.

LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy and a parliamentary democracy. Prince Hans-Adam II is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. The Parliament elects and the Prince appoints the members of the Government. The judiciary is independent.

The Interior Ministry maintained effective control of the regular and auxiliary police forces, which were responsible for internal and external security. There was no standing military force. There were no reports that security forces committed human rights abuses.

The country has a prosperous, highly industrialized, free-enterprise economy with a vital services sector. It participates in a customs union with Switzerland and uses the Swiss franc as its national currency. As a member of the European Economic Area (EEA), its 32,883 citizens enjoy a very high standard of living. The gross domestic product (GDP) in 2001 was approximately \$1.8 billion. There were no serious economic disparities. Unemployment remained low at 1.2 to 1.4 percent.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. There were instances of violence against women. The Government continued to work to eliminate societal discrimination against women. Liechtenstein was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately. Facilities were available to hold juvenile prisoners separately from adults in a pretrial detention facility, but there were no cases of juvenile imprisonment during the year. If a juvenile offender were to be convicted of a crime requiring imprisonment, the prisoner also could be transferred to a youth facility in Austria. Pretrial detainees were held separately from convicted criminals.

The Government permitted visits by independent human rights monitors. A Representative of *Justitia et Pax* visited prisoners twice a month; however, the CPT did not conduct visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing and counsel was provided at government expense to indigent persons. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspects are a danger to society or would not appear for trial.

Neither the law nor the Constitution prohibits forced exile, but the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system has three tiers: lower court; high court; and Supreme Court. The court of first instance is the National Court. In addition, an Administrative Court hears appeals against government decisions. The State Court protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Citizens had the right to counsel and the right to appeal, ultimately to the Highest Court (*Oberstes Gericht*). Trials involving minor offenses were heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced

for a crime in connection with official duties, the Prince may take such action only if the Parliament requests it.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a democratic political system worked together to ensure freedom of speech and of the press. The law maintains and promotes diversity in the media; in 2001 the Parliament appointed an independent media commission to decide how to distribute approximately \$600,000 (954,000 Swiss francs) in government subsidies to the media groups for training or research programs dedicated to the promotion of news and information.

Two daily newspapers were published, each representing the interests of one of the two major political parties. There was one weekly newsmagazine. One state and one private television station broadcast, along with a private radio station, and residents received radio and television broadcasts from neighboring countries. An information bulletin also was issued by the third party (Freie Liste) represented in Parliament.

There were no restrictions on access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes the Roman Catholic Church as the official state church, and its finances are integrated directly into the budgets of the national and local governments. Under a 1998 interim regulation, state contributions to the Catholic Church temporarily had been paid into a blocked special account to be released when a new agreement was found. The 1998 regulation expired January 1 before a consensus had been reached. The Church thus again is entitled to the State's annual contributions of \$207,000 (300,000 Swiss francs) under the terms of a 1987 law. The State's financial contributions for 1999, 2000, and 2001 were paid to the Church. The Government continued to seek a wide consensus on this issue during the year.

Roman Catholic or Protestant religious education was compulsory in all schools, but the authorities routinely granted exemptions for children whose parents request them. Secondary school students were allowed to choose between religious or cultural courses of study as an interim solution.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights and the Government generally respected them in practice.

In 2000 voters approved a referendum that changed naturalization requirements to facilitate the naturalization of long-term residents, but it required that applicants relinquish their citizenship in other countries. In 2001 627 immigrants were granted citizenship, compared with 368 in 2000.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provided first asylum; however, since the country lacks an airport or international train station, it received few requests. Although the number of asylum requests increased following passage of the 1998 asylum law, asylum requests during the year dropped to 91.

There were no reports of arbitrary arrests of asylum seekers or foreigners.

A trilateral readmission agreement with Switzerland and Austria came into effect in January 2001. The Government returns persons who enter from Austria or Switzerland without permission to the respective Swiss or Austrian authorities.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections.

The country is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years. Suffrage was universal for adults over age 18, and balloting was secret. Political parties operated freely. Citizens regularly voted on initiatives and referendums.

A constitutional reform bill to increase the executive powers of the monarch failed to pass during the year. As a consequence, the Prince decided to put his constitutional proposals to a popular vote that is scheduled for March 16, 2003. The Prince pledged to abdicate to Austria if citizens do not approve his plan.

There were 3 women in the 25-seat Parliament, and 1 in the Cabinet, the Minister for Education, Transport and Communication, and Justice, who has served since February 2001. A growing number of women were active in politics. Women served on the executive committees of the major parties.

In 2001 the Government took several steps to promote greater participation by women in politics. Prior to the February 2001 parliamentary elections, the Government conducted two billboard campaigns to promote female candidates, one encouraging women to run for office, and another calling on voters to support female candidates. In addition, the Government organized a series of workshops for female parliamentary candidates.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The sole domestic local human rights organization, *Justitia et Pax*, is an informal group of approximately 10 members who monitor prison conditions and assist foreign workers with immigration matters. There were also three domestic nongovernmental organizations (NGOs) focusing on women's issues.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination on the basis of race, sex, language, or social status, and the authorities generally enforced these provisions. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

Women.—The law prohibits all forms of domestic violence, and the Government generally enforces the law. According to the police, there were 12 reported cases of violence against women during the year, of which 8 male aggressors were prevented from reentering the family home for 10 days, and 4 for a further period of 3 months. The Protection from Domestic Violence law entered into force in February 2001. The State may file charges without a complaint from the victim. *Frauenhaus* stated that one out of five women was a victim of domestic violence.

A women's shelter provided refuge for 27 women and 39 children during the year. The shelter provides refuge for noncitizens as well. Annual government financing for the shelter was approximately \$165,000 (240,000 Swiss francs). NGOs believed that, as in neighboring countries, trafficking in women occurred; however, no specific cases were documented during the year (*see* Section 6.f.).

Societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than women and women generally did not receive equal pay for equal work. The Constitution provides for women's rights, and includes a significant number of laws to provide for equality of treatment among men and women to eliminate discrimination and sexual harassment and to create conditions that allow both men and women to combine work and family. A new law entered into force in January 2001 that mandates the division of retirement benefit claims in the case of divorce, under which the benefit claims accrued during the time of marriage are split between the parties, whether they worked outside the home or not. No case of gender discrimination had been brought to court by year's end.

Each Spring the Government adopts an action plan to promote equal opportunity for both women and men, and each Autumn the Government's Bureau for the Promotion of Equal Rights for Women and Men publishes a progress report. The 2002 action plan concentrated on women and politics, family and income, and violence against women. These themes were discussed during the second Women's Congress

of Liechtenstein that began in October. The Government also started a project with both Swiss and Austrian neighboring regions to promote prevention and assistance to victims of domestic violence. The joint project is scheduled to end in March 2004.

In 1999 the Government signed the optional protocol to the U.N. Convention on the Elimination of All Discrimination Against Women. The protocol took effect on January 24.

Three women's rights groups were active. Frauenhaus Liechtenstein, Fruehstueckstreffen fuer Frauen, and Infra (Informations-und Kontaktstelle fuer Frauen) worked in areas of public affairs, information, legal counseling, lobbying, and other political activities (see Section 4).

Children.—The Government was strongly committed to children's rights and welfare and funded a system of public education and health care. The Government provided compulsory, free, and universal primary school education for children of both sexes for 9 years, normally until the age of 16. It provided free health care for children under the age of 16.

The Government supported programs to protect the rights of children and matched contributions made to the three NGOs that monitor children's rights. The Office for Social Services oversaw the implementation of government-supported programs for children and youth.

Possession of child pornographic material is a statutory offense. The Government also extended the statute of limitation for sexual offenses against children. A special police unit on computer crime continued to monitor child pornography on the Internet; however, no investigations were opened during the year. In September Liechtenstein experts supported Swiss authorities in Genesis, an operation that worked to eliminate a network of pedophilia in Switzerland and Europe.

During the year, two persons were convicted of child abuse in cases concerning sexual acts between minors (children under 14) and young adults (persons of 18 years).

In 2000 the Government established a Commission for the Coordination of Professionals in Cases of Sexual Offenses Against Children. The group consists of experts from different backgrounds and focuses on assisting professionals (counselors, therapists, and physicians) who deal with sexual offences against children. There was no societal pattern of abuse against children.

Persons with Disabilities.—Although the law does not prohibit discrimination against persons with disabilities, complaints of such discrimination may be pursued in the courts. The law provides for compensatory payments by the Government to companies that employ persons with disabilities. The law increased opportunities for their integration into the workforce and promoted their right to be self-dependent. Persons with disabilities were not subject to discrimination in the provision of state services nor was there societal discrimination against them.

The Government requires that buildings and government services be made accessible, and new public buildings generally met these provisions; however, some older buildings had not fulfilled these requirements.

National/Racial/Ethnic Minorities.—Rightwing extremists, known as skinheads, were not publicly active during the year. On October 1, the Government established a commission to address violence and advise the Government on preventative measures. The commission attempted to raise public awareness in order to address the problem of acts of violence in the public areas such as schools and playgrounds.

On August 10, the police arrested four Hungarian skinheads at the Austrian border. The police found approximately 250 neonazi stamps and badges as well as 100 neofascist publications in their car that were to be sold during a fascist meeting in the Swiss Zurich area. The four skinheads later were deported to Hungary by way of Austria on criminal offense charges of racist propaganda, and police authorities in Budapest, Vienna, and Zurich were informed. The police also filed a lawsuit against the skinheads on the grounds of racial discrimination, as provided for under Article 283 of the criminal code. The case was pending at year's end at the Public Prosecutor's office, and it was not determined whether the case will be dismissed.

Shortly after the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, held in Durban in 2001, the Government established a working group to implement the conference's recommendation at the national level under a National Action Plan (NAP). The working group organized the first set of human rights education classes for police officers during the year and these training sessions have been proposed to extend to the entire national administration as a whole as well as to the schools in 2003. As Foreign Minister Ernst Walch previously had announced at the Durban World Conference, the Government submitted to Parliament a draft to accept the individual complaints procedure under

Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (to which the country is a State party).

In March an expert group to the Council of Europe's Commission against Racism and Intolerance (ECRI) visited. The group met with representatives of various ministries and public administrations as well as with NGOs to research racism and intolerance in the country. The report is scheduled for publication in 2003.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives, and workers exercised these rights in practice. Due to the country's small size and population, there was only one trade union, which represented approximately 13 percent of the work force; however, the union protected the interests of nonmembers as well.

The law encourages the formation of unions but does not prohibit antiunion discrimination. Instead it states that antiunion discrimination should be avoided.

Unions were free to form or join confederations and were allowed to affiliate with international bodies. The only union was a member of the World Confederation of Labor but was represented on an ad hoc basis by a Swiss union.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements usually were adapted from those negotiated by Swiss employers and unions. In accordance with EEA guidelines, domestic labor law requires that employers consult with unions in cases of projected mass dismissals and submit employment contracts in written form.

Workers have the right to strike except in certain essential services. No strikes were reported during the year. The law does not provide specific protections for strikers. Employers were allowed to dismiss employees for serious offenses or for breach of contract, such as having a complaisant medical certificate.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under 16 years of age. However, exceptions may be made for the limited employment of youths age 14 and over and for those who leave school after completing 9 years of compulsory education (*see* Section 5). Children of ages 14 and older may be employed in light duties for not more than 9 hours per week during the school year and 15 hours per week at other times.

The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law. Inspections by the Department for Worker Safety were adequate. No employers have been fined or imprisoned for violations of the law.

The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There was no minimum wage. In 2001 a total of 59 households depended on public welfare, to obtain a yearly minimal income—set at \$12,200 (17,720 Swiss francs) for a 1-person household—and were considered working poor. A total of 474 households received public assistance in 2001.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. The law provides for mandatory rest periods, and with few exceptions, Sunday work was not allowed. Workers over the age of 20 received at least 4 weeks of vacation; younger workers received at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy generally enforced these provisions. The law provides for a hearing in cases in which workers removed themselves from dangerous situations. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. However, some NGOs believe that, as in neighboring countries, trafficking in women occurred without report.

Any person leading another into prostitution faces up to 6 months in prison and/or heavy fines and up to 3 years in prison if the victim was under 18. Independent prostitutes were tolerated as long as they were confined to special salons, cabarets,

or other private apartments. The police undertook regular controls on the prostitutes' working conditions and salaries, but acknowledged that many Swiss middlemen employed women working in the country.

LITHUANIA

Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected President; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government exercises authority with the approval of the Parliament and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since its independence in 1990, the country has progressed steadily toward developing a market economy. The country has a population of 3.472 million. The Government continued to privatize the few remaining large-scale enterprises, such as energy, gas, airline, and railroad companies; most housing and small businesses have been privatized. The largest number of workers (18.3 percent) worked in the manufacturing sector.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat or otherwise physically mistreated detainees and misused detention laws. The Government made some progress in holding the police accountable for abuses. Prison conditions remained poor, and prolonged pretrial detention remained a problem. There were some restrictions on privacy rights. Violence and discrimination against women and child abuse were serious problems. There were some limits on workers' rights. Trafficking in women and girls for the purpose of prostitution was a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. Lithuania was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission, which includes historians, human rights representatives, representatives of international Jewish organizations, and both Lithuanian and foreign lawyers, produced reports that named the killers of Soviet prisoners of war during the Nazi occupation, described the destruction of the independent Lithuanian Army by the Soviets in 1940–41, and investigated the Soviet occupation after World War II. In June the Commission signed an agreement on cooperation with the Ministry of Education and Science to implement a program of holocaust and genocide education in the country's schools. In September the Commission organized an international conference in Vilnius on the Holocaust.

Since the restoration of independence, the Prosecutor General's Office has acted on approximately 120 war crimes and genocide cases, only 14 of them were for Holocaust-era crimes. Thirteen cases reached the court, including the genocide cases against Aleksandras Lileikis, who died without trial, and Kazys Gimzauskas, who was judged mentally ill. The remaining 11 cases remained pending.

In May prosecutors initiated two genocide cases for the mass killing of Jews from Serezzius in 1941 and for aiding in the killing of thousands of civilians in 1941.

In June a court dropped the case against two former Soviet security service agents due to mental illness and acquitted three other suspects.

Other ongoing cases included: An investigation into the killing of Jews in Serezzius in 1941, killing of 3,700 Jews in 1941, the "Lietukis" garage killings in Kaunas in 1941, the killings in Zadeikiai forest in 1941, the killing of 20 Jews in Seirijai in 1942, and 2 cases-involving 3 persons, all living abroad-of killings of Jews and prisoners of war in Nazi-occupied Belarus during World War II. Three cases were suspended pending responses to legal assistance requests to foreign states.

The law permits trial in absentia in war crimes and genocide cases when a defendant is in the country but unable to attend the proceedings due to physical disability or when a suspect flees or hides from justice in another country.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, at times police beat or otherwise physically mistreated detainees. Press reports indicated that incidents of police brutality decreased, and that victims were more willing to bring charges against police officers.

From January to August, cases for abuse of power and abuse of office were initiated against 10 police officers, and 2 of the officers were convicted and sentenced. In November the Police Commissioner General stated that 10 to 15 percent of all complaints about police violence against suspects were justified and that police officers committing such offenses were reprimanded or fired.

In June the media, many members of Parliament, and the President criticized the police for overreacting against a pro-Tibetan group during the Chinese President's visit. The police used force in pushing demonstrators away from the sight of the Chinese delegation motorcade and detained some peaceful demonstrators for several hours.

The Office of Inspector General and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. By the end of August, the controllers investigated 110 complaints—most of them deemed justified—about the activities of Interior Ministry personnel and the police. In a number of cases, the controllers proposed to the relevant institutions that they take action or amend laws.

Military personnel committed human rights abuses by hazing recruits, despite efforts to end the practice, which was inherited from the former Soviet armed forces. However, as living conditions improved for military personnel, human rights violations committed by noncommissioned officers declined. The Ministry of National Defense does not publish statistics on hazing. From January to August, 16 criminal cases were filed for statutory violations, compared with 7 cases in all of 2001. In April the military police initiated a case against a captain for abusing a recruit, and the captain was suspended immediately. From January to August, the Seimas Controller investigated four complaints against officials of the Ministry of National Defense compared with six complaints in all of 2001. According to the Seimas Controllers, the complaints were not related to hazing or abuse, and the increase in the number of the criminal cases was likely due to increased activity of the Inspectorate General of the Ministry. According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The 1999 disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

In June the Seimas approved a new Code on the Execution of Penalties, which is based on the Criminal Code passed in 2000 and on European and international human rights law. The new Criminal Code, the Code on Execution of Penalties, and the Criminal Procedure Code passed in March were scheduled to enter into force simultaneously in May 2003.

Prison conditions were poor and life threatening. Most of the 14 correctional institutions were overcrowded; however, two reconstructed facilities are scheduled to open in 2003. In 2001 the number of drug addicts (mostly using intravenous drugs) in prisons increased by 70 percent to 1,130, or 10 percent of all prisoners. As a consequence of needle sharing, the number of HIV infected prisoners rose to over 300. In May a sudden outbreak of HIV in the "strict regime" facility in Alytus sparked a wave of hunger strikes, involving some 7,000 inmates in many detention facilities around the country. The protests ended after the Government took measures to prevent HIV infection from spreading, satisfied some demands (for example, to allow personal linen and food), and promised to improve living conditions, healthcare, and food by 2003. Hunger strikes on a smaller scale occurred in March and April.

In February Seimas controllers warned that prisoners awaiting transfer to their places of confinement in the Lukiskes investigation ward/prison suffered from overcrowding and poor sanitation. The media reported that conditions were even worse in the Siauliai interrogation and isolation ward, and in October Seimas controllers stated that conditions there did not meet elementary standards of hygiene and human dignity. From January to August, Seimas controllers received 27 complaints about prolonged transfers of suspects to interrogation facilities (taking up to 10 hours in old rail carriages). Arrested and detained persons generally suffered considerably worse living conditions than did convicted persons. However, the Seimas con-

trollers noted that the problem of overcrowding in the poorly maintained police custody facilities was resolved as individuals not able to pay administrative fines were no longer placed in custody but, instead, were sentenced to perform community service. In May the Ministry of Health approved a new hygiene standard for 49 police custody facilities, and 9 of these facilities met the new standard. In July the Seimas amended the (old) Criminal Code, introducing parole for those convicted for small offenses; as a consequence, the number of prisoners declined and living conditions improved.

Few prisoners were involved in meaningful activities: Some 10 percent were involved in education, 18 percent performed paid labor in state production outlets set up at correctional institutions, and 8 percent worked as prison general service workers as a means of promoting future social integration. Prisoners were not forced to work.

A significant number of detainees reported mistreatment, abuse, and violence. Unlike in the previous year, there were no reports of torture. Public prosecutors and judges played a significant role in combating abuse.

From January to August, 17 prisoners died (9 of natural causes, 4 by suicide, and 4 killed by other prisoners), compared with 27 deaths (including only 1 homicide) in all of 2001. From January to August, there were 175 injuries, 157 of them self-inflicted, due to abuse by fellow inmates, depression, family problems, or as a form of protest against sanctions by authorities. Also from January to August, there were 22 criminal offenses committed in prison, compared with 34 during all of 2001. Prison personnel were not accused of committing any criminal offenses. From January to August, the Seimas controllers investigated 182 non-criminal complaints (67 of them deemed justified) about Prison Department personnel, mostly related to living conditions. In September there were 11,345 prisoners, including 459 women, and 278 juveniles. The prisoner figure included 1,632 detainees, of whom 98 were women, and 115 juveniles. Women and men were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government continued efforts to reform the prison system; however, progress has been slow. The Prison Department at the Justice Ministry manages the correctional system. Funding of approximately \$0.65 (2.3 litas) covered only minimal needs for 3 meals per prisoner per day. During the year, the budget allotted 2.5 percent more money for running 14 correctional institutions than in 2001. Amendments to the Criminal Code that are scheduled to enter into effect in 2003, the Code of Criminal Procedure, and the Code of Penal Enforcement aim to reduce the number of punishments that involve incarceration. The Government was reconstructing three correctional facilities and was also constructing a prison hospital at year's end.

The Government permits visits to prisons by independent human rights observers, and there were such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, there were instances of prolonged pretrial detention.

Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Bail in theory is available, but it was not used widely. The parole and probation system begins when the new Criminal Code enters into force in 2003. The Constitution provides for the right to an attorney from the moment of detention (*see* Section 1.e.). Detainees have the right to inform a close relative of their situation, the right of access to a lawyer, and the right to health care.

Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight, or to allow unhindered investigation. A local judge, acting on a prosecutor's request, may order longer pretrial detention, which can last up to 6 months and may be extended by a district judge using the same procedure for periods not to exceed 18 months in total (*see* Section 1.e.). In 2001 detainees on average awaited trial for 5 months. In September a court extended one person's summary pretrial detention period beyond 18 months. Unlike last year, the Prison Department reported that there were no persons whose summary preverdict detention exceeded 18 months. The Seimas controllers pointed out several occasions of detention of persons in police custody beyond the 15-day limit provided by law; the regular place of such detention is the poorly maintained isolation wards (*see* Section 1.e.).

In March the European Court of Human Rights (ECHR) ruled that the Government violated the right of the presumption of innocence for former Member of Parliament and Minister of Defense Audrius Butkevicius. In 1997 Butkevicius was charged with several counts of corruption on the basis of information from the State Security Department. Also in March, the ECHR ruled that the Government had violated the rights of businessman Arvydas Stasaitis by imprisoning him without a

court order on several occasions from 1996 to 2000. Stasaitis had been charged with large-scale financial crimes.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Law on Courts, as revised in May, further strengthened the courts' independence.

The Constitution and the Law on Courts provide for a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Constitution also provides for a Constitutional Court and specialized courts for administrative, labor, family, and other purposes.

The Constitutional Court, at the request of the President, members of the Parliament, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation. Administrative courts may perform judicial review of documents regulating the implementation of laws, except decisions by the Cabinet of Ministers. The Ministry of Justice continued to move towards a system of specialization of judges in district and local courts.

There are no special family courts, but judges in the district courts hear juvenile criminal cases and cases related to children's rights (for example, domestic adoption and paternity matters).

If the ECHR determines that courts have violated the European Convention on Human Rights, the Supreme Court Chairman may order a retrial of a case by the Supreme Court. In October 2001, the right to appeal for a retrial in criminal cases was expanded to include the persons whose rights were violated, their representatives, and the Prosecutor General.

The Civil Code that entered into force in 2001 complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the ECHR. In 2003 a new Criminal Procedure Code is scheduled to take effect that would grant judges broader rights such as an active role in court investigation and collection of evidence.

The Law on Commercial Arbitration provides for the establishment of arbitration institutions. The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel was abridged by the shortage of trained lawyers, who found it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. The law provides for legal assistance for indigent persons, but in practice such legal assistance was not always available. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honored routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances. Amendments to the Criminal Process Code—adopted in April—allow appeals of the actions of prosecutors, investigator, and interrogators throughout the preliminary investigation up to the district court level.

The parliamentary ombudsman reported that there were a limited number of cases of prolonged pretrial detention without a judge's decision in violation of the law (*see* Section 1.d.). According to the ombudsman, in a typical case, judges and prosecutors wrongly interpreted the law to mean that pretrial detention can be extended automatically when a case is submitted to a court of law. In March the ECHR ruled that in 1997 the Government violated the right to a just trial and the right to a defense in the case of three individuals involved in a prison riot. They were convicted on the basis of evidence given by anonymous witnesses who also participated in the riot. In June the Supreme Court reversed its decision and the Appeals Court verdicts related to the three individuals, and the sentences for participating in the riot were annulled.

The ECHR found no violation of rights in the 2000 case of former Kaunas police commissioner Satsys Sipavicius who had complained that he did not have sufficient time to prepare a defense against charges of abusing his powers in a smuggling case.

There were no further developments regarding the 2001 petition sent by 11,500 farmers to the ECHR complaining about the Government's failure to pay subsidies.

The prison department faulted a slow justice system that cannot bring cases to trial expeditiously for the pretrial detention problems. The Government continued to address concerns that periods of detention were excessive. The Prosecutor General and prosecutors continued to monitor the investigation of cases, and additional and better-qualified judges were hired.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. From 1997 to September, claims to "de-rehabilitate" 166 individuals were submitted to the Supreme Court, and 117 of them were sustained, making those individuals ineligible for some social welfare benefits.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, there were reports that the Government did not respect these prohibitions in practice. The authorities did not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens; however, with the written authorization of a prosecutor or judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

It was assumed widely that law enforcement agencies had increased the use of a range of surveillance methods to cope with the expansion of organized crime. In March the ECHR ruled that the Government violated prisoner Alvydas Puzinas' right to confidentiality in his personal correspondence by reading his correspondence without approval of the court. Pursuant to a 2001 change in the law, prisoners' complaints to courts, the Parliament controller, and human rights groups have not been censored, and censorship of their correspondence by prison authorities has been relaxed. A court permit is required for search and seizure of correspondence during investigations. After an intervention by Seimas controllers, the police custody regulations were amended to include provisions about correspondence rights. The Criminal Process Code that is scheduled to take effect in 2003 would prohibit interference with privacy, family, home, correspondence, and communication.

From January to August, the State Data Protection Inspectorate, which works to bring the data protection system up to European standards, conducted 46 investigations, examined 14 complaints, and provided numerous consultations. The 2001 Civil Code and the Criminal Code scheduled to take effect in 2003 provide for enhanced protection of the right to privacy. However, human rights groups were concerned about increasing violations of privacy laws by the media and business and by increased violations on monitoring of the Internet. In September the Constitutional Court ruled that some provisions of the Communication Law, the Criminal Process Code, and the Operational (covert) Activities Law requiring telecommunications operations to register calls without court sanction violate the right to privacy.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent print media continued to flourish and included a wide range of newspapers and magazines. Radio and television included a mix of public and private stations.

The Constitution prohibits the censorship of either print or broadcast media and restrictions on disclosure, unless the Government determines that national security is involved. Under the media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. The Parliament funded an Ombudsman's Office.

In October the Constitutional Court ruled that a court may order journalists to reveal their sources if refusing to do so would violate other values protected in the Constitution. The court also ruled that the media may publish information about the private life of a public figure without permission if it does not harm the person or if this information is important to society.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice; however, the Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this provision in practice. There is no state religion; however, some religious groups enjoy government benefits not available to others.

The Constitution divides religious communities into state recognized traditional groups and others. However, in practice a four-tier system exists: Traditional, state recognized, registered, and unregistered communities. The Law on Religious Communities and Associations stipulates that nontraditional religious communities may be granted state recognition if they are “backed by society” and have been registered in the country for at least 25 years. Both traditional and state recognized communities may receive state subsidies, although only the traditional ones received the subsidies regularly. They did not have to pay social and health insurance for clergy and other employees, they may register marriages, and they were not subject to tax on such services as electricity, telephone, and heat. Only the clergy and theological students of traditional communities were exempt from military service; only their top leaders were eligible for diplomatic passports. They may also have military chaplains and had the right to establish subsidiary institutions. Only traditional communities had the right to teach religion in state schools and to buy land to build churches (other communities can rent land). Religious communities registered by the Ministry of Justice constituted the third status group; they do not receive regular subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities, but they may act as legal entities and thus rent land for religious buildings. There were also unregistered communities. They had no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

The law provides that only religious instruction of traditional and other state-recognized religious communities may be taught in state educational institutions. At the request of parents from these communities, schools may offer classes in religious instruction. In practice parents can choose classes in religious instruction or classes in ethics for non-religious education.

A commission established in 2000 to investigate whether the activities of religious, esoteric, or spiritual groups comply with the law has taken no action and appeared unlikely to do so.

Activities of foreign missionary groups within the country were not restricted.

In 2001 amendments to the Law on Religious Communities and Associations took effect to provide funding from the national budget for the educational institutions of traditional religious organizations. The Government’s Department of European Law criticized the amendments as discriminating against non-traditional religious communities and associations.

Under 1995 legislation on property restitution, the Catholic community has been more successful than most other religious communities in having its property returned. Some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. Early this year, the Government established a commission on communal property restitution to identify property eligible for restitution and propose amendments to the religious communities’ property restitution law so that the Jewish secular community (the majority of Lithuanian Jews) can benefit from the restitution process. The Government and Vilnius city also established a program for rebuilding parts of the Jewish quarter in Vilnius. The project will use private funds, and the Jewish community will be given parts of the reconstructed buildings.

In the past several years, the country’s Jewish communities have expressed concern over an increase in anti-Semitic remarks made by extremist and a few, more mainstream, politicians. For example, in April during the commemoration of the Holocaust Day in the Parliament, the xenophobic anti-Semitic Lithuanian Freedom Union party issued a statement criticizing the Government for “kowtowing before the Jews” in its efforts to return communal property to the Jewish community, while the Lithuanian Christian Democratic Party leaders said that the Jewish community should not receive special treatment. The political leadership of the country and the national press generally criticized anti-Semitic statements when they occur.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

In September the President signed new provisions of the Law on Citizenship allowing emigrants to retain Lithuanian citizenship. Jewish and Polish minorities criticized the provisions because they create special conditions enabling “ethnic Lithuanian” emigrants to retain dual citizenship but do not allow this for local minorities when they “repatriate” to their “homeland” (for instance, Jews to Israel, Poles to Poland, or Russians to Russia).

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Vilnius Administrative Court hears asylum appeals. The Court receives assistance from the U.N. High Commissioner for Refugees (UNHCR). The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. In January amendments to the Law on Asylum Status established that an asylum seeker coming from a secure third country could not enter the country. The right of an asylum seeker to appeal a decision denying entry into Lithuania is limited. From January to August, 31 persons (mostly from the Russian province of Chechnya) applied for asylum. From 1997 to 2001, more than 1,000 asylum requests were filed; 63 persons received refugee status, and 409 persons received a residence permit on humanitarian grounds.

On November 6 and 8, the Border Service expelled to Belarus 26 Chechens, mostly women and children, who had illegally entered the country. The UNHCR expressed concern over the expulsion of the Chechens—who planned to apply for asylum—stating that the action violated the 1951 U.N. Convention Relating to the Status of Refugees and international customary law. The UNHCR also expressed concern over the country’s tightened admission policies for asylum seekers from areas of armed conflicts or instability.

In 2001 the Government adopted new regulations on the living conditions of foreigners temporarily housed at the registration center for foreigners in Pabrade (44 individuals, including 6 children, lived there in August) and a refugee reception center for asylum seekers in the town of Rukla (which housed 59 persons, including 24 children, in August). Living conditions in both centers were good.

In recent years, irregular immigration decreased dramatically due to improved border control, stricter laws against human smuggling, and more effective detention and return of migrants to their countries of origin.

The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus. In November Russia stated that it was prepared to readmit illegal migrants prior to the mid-2003 scheduled signing of a readmission treaty.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Parliament, 71 are elected directly, and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

In 1998 independent candidate Valdas Adamkus was elected President. Presidential elections are held at least every 5 years. In December municipal elections and the first round of presidential elections took place. The Social Democratic Party (SDP) came in first in the municipal election, followed by the Conservative Party and the Union of New Democracy and Peasant Parties, although the Liberal Union party was strongest in the three largest cities. There were 17 candidates in the first round of the presidential elections, and incumbent President Adamkus and Member of Parliament Rolandas Paksas qualified for a runoff to be held in January 2003. After the October 2000 general elections, Liberal Union Party leader Rolandas Paksas was sworn in as Prime Minister as part of a coalition government; however, in 2001 the coalition broke up. The new Union Party, the Liberals’ major coalition partner, forged an alliance with the SDP, and in July 2001 the SDP and former President Algirdas Brazauskas was sworn in as Prime Minister.

There were 14 female parliamentarians in the 141-seat Parliament elected in October 2000, compared with 24 in the previous Parliament. There were 3 female ministers in the 14-member Cabinet, compared with 1 in the previous Cabinet.

There were 12 members of Parliament of Russian, Polish, and Belarusian ethnic origin.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights are the major human rights groups.

The Division of Human Rights of the Department of International Law and European Integration in the Ministry of Justice monitored law and legal practice to determine whether they are in accord with the country's international obligations. The European Law Department of the Government also reviews draft legislation.

There are three ombudsman institutions. The Parliament's controllers investigated complaints of the abuse of power by public servants. The controllers had the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. The Office of the Equal Opportunities Ombudsman exercised similar functions for complaints of discrimination and sexual harassment. The Office of the Ombudsman for Children's Rights controlled the implementation of relevant laws, oversaw local children's rights protection services, and investigated complaints of abuse.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, disability, or ethnic background; however, discrimination against women in employment and other areas persisted.

Women.—Violence against women, particularly domestic violence, reportedly was common, especially in connection with alcohol abuse by husbands. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Institutional mechanisms for coping with this problem developed slowly, and the law does not criminalize specifically domestic violence. If such violence takes place in the home, the victim must file a complaint. Few such complaints were filed, because women preferred to avoid publicity and were not confident that the courts will punish their assailants. Thirteen women's shelters provided assistance to victims of violence. In March a study by the Women's Information Center indicated that 80 percent of women experienced psychological abuse in the workplace or at home, 35 percent experienced physical violence, and 17 percent were sexually abused. The law specifically prohibits rape. From January to August, 116 rapes were reported, compared with 176 rapes during all of 2001. Persons convicted of rape generally received sentences of from 3 to 5 years in prison.

Prostitution is illegal but not prohibited under the Criminal Code. The penalty for prostitution is limited to a fine of \$85 to \$140 (300–500 litas) for a first offense. Trafficking in women for the purpose of prostitution was a problem (*see* Section 6.f.).

The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Office of the Ombudsman for Equal Opportunities of Women and Men is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code contains criminal sanctions for discrimination or harassment. Since June the Law on Equal Opportunities provides for positive discrimination (affirmative action) towards women and forbids indirect discrimination and discrimination in the service sector. This law resulted from a project that began in April with U.N. assistance to reduce racial and other discrimination.

Official policy requires equal pay for equal work. Women make up about one-half of the employed population, and in the first quarter of the year, they received on average pay that was 81.4 percent that of male employees. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole. Significant inequalities in society based on gender continued, but recent surveys and studies indicated that conservative views about the role of women were declining—a trend also reported by the media.

From March 2001 to August, the ombudsman received 90 complaints and initiated more than 10 investigations. Most of the complaints concerned discrimination against men due to problems in "old" legislation that has not been brought into line with more current anti-discrimination law and discrimination against women in the workplace. The ombudsman again submitted amendments to the Labor Code and, together with women's organizations, continued a public awareness campaign. The number of registered violations of the equal opportunities law by state institutions

again decreased substantially. However, enforcement of the law in private businesses remained a problem.

Children.—The Government was committed to children's rights and welfare; it amply funded a system of public education and medical care. The Government provided compulsory, free, and nearly universal education for children through the age of 15. In 2001 only 1.1 percent of children in this age group did not attend school. The Government provides school transportation for children in the countryside and low-cost health care for all children. The Civil Code that entered into force in 2001 addresses relations between parents and children; however, the Government did not always implement its obligations in practice.

In 2001 approximately 7,000 children lived in institutions, and approximately 8,000 were in foster homes. A 2001 law on defending children against parental violence gives authorities the right to remove children from the family and place them in the care of a temporary guardian. The Government continued to replace the Soviet-style orphanage (boarding) schools with residential homes, which permitted children to attend regular schools.

Child abuse was a problem. The ombudsman reported that assistance for children who experienced abuse was insufficient. Abuse among children in four state correctional institutions for children who commit crimes and in one isolated prison for persons 16 to 18 years old declined, due to reorganization and improving prison conditions. Seimas Controllers reported that abuse of children in police arrest facilities was rare, but violence among juveniles remained a problem.

Child abuse in connection with alcohol abuse by parents also was a problem. The prevalence of authoritarian values in family upbringing discouraged more active measures against child abuse. The press reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and killings. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years. Authorities reported that 4 children were killed by their parents during the first 8 months of the year, and 16 were killed during 2001.

The Penal Code provides for up to 3 years' imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There were no registered cases of exploitation of children for purposes of pornography. From January to August, 34 cases of sexual abuse of children were registered (excluding rapes, for which separate data for children is not available), compared with 35 cases in all of 2001. A government operated children's rehabilitation center provided special care for sexually abused children.

Several thousand children reportedly lived "on the street." Sixty children's rights protection agencies, other institutions, and NGOs routinely identified these children and, if they did not have parents or if their parents abused their parental obligations, placed them in foster homes or care institutions. In May the Government allocated \$170,000 (600,000 litas) to a children's day care program; in 2001 there were 77 such centers caring for approximately 2,000 children.

Trafficking in girls for the purpose of prostitution was a problem (*see* Section 6.f.).

The Children's Rights Ombudsman Institution controls the implementation of relevant laws and conventions, oversees children's rights protection institutions, investigates complaints, and advises the Government on improving the protection and legal interests of the child. From January to August, the ombudsman received approximately 300 complaints and initiated 4 investigations, primarily involving the action (or inaction) of state and local organizations, violence against children, family matters, execution of court decisions (such as bailiff activities and guardianship), the right to communication with the child, and failure to pay alimony. The ombudsman called for streamlining the children's rights protection system and mobilizing central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. In 2001 the Ministry of Social Security and Labor identified approximately 40,000 children in abusive and dysfunctional families.

Persons with Disabilities.—The Law on Integrating Disabled People provides for a broad category of rights and public benefits for persons with disabilities. The Law on Support for the Unemployed provides additional job security for such persons, while the Law on Special Upbringing gives children with disabilities access to regular schools and universities.

Persons with disabilities accounted for approximately 6 percent of the population, and 6 percent of the persons with disabilities were children. Many persons with disabilities lived in poverty because the state pension for a person with disabilities was lower than the minimum wage. Every local government runs home help services for persons with disabilities, and the Government finances a network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. At the recommendation of the Disabled Persons' Af-

fairs Council—with members from the Government and from organizations representing persons with disabilities—the Government granted \$5 million (17.5 million litas) to NGOs for various employment, education, rehabilitation, and other programs.

Legal provisions for access to buildings for persons with disabilities are in place but were not enforced widely; new buildings ensured such access, but the adaptation of old buildings has been slow.

National/Racial/Ethnic Minorities.—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—constituted approximately 16.5 percent of the population. As part of its Program for the Integration of Roma into Lithuanian Society, the Government established a social center and community school for the Roma. In December an Open Society Institute study reported that many government measures do not address the problems that the Roma consider most important.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. This law has been used to discourage racial and national hatred. The State Security Department initiated several investigations into reports of acts of tending to incite racial or national hatred but closed them either because the suspects apologized or because the cases would have been difficult to prove in court. However, in its report on minority rights in 10 EU candidate states, the Open Society Institute stated that the country did not have a comprehensive antidiscrimination law that expressly prohibits discrimination in specific areas of public activity.

Many nonethnic Lithuanian public sector employees by law are required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions to this requirement. Each year several hundred persons pass the language portion of the citizenship test and are naturalized. There was no documented evidence of job dismissals based on the language law. The authorities indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they asserted that no one would be dismissed solely because of an inability to meet the language requirements.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Law on Trade Unions recognize the right of workers and employees to form and join trade unions, and workers exercise this right in practice. The Law on Trade Unions extends this right to members of the police and the armed forces. The Lithuanian Workers' Union organized a rally at the Parliament in support of ratification of paragraphs of the Social Charter on the rights to salary, housing, and protection from poverty and social exclusion.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Individuals employed in places where there is no trade union are free to join an established regional trade union, but this practice was not widespread.

From 10 to 20 percent of all enterprises had trade unions, and approximately 10 to 15 percent of the workforce were unionized. Union membership was low due to an often negative attitude by employers, lingering distrust in a post-Soviet society, and a high unemployment rate. There are three major trade union associations: The Confederation of Lithuanian Trade Unions (formed in May through the merger of the Lithuanian Trade Union Center and the Association of Lithuanian Trade Unions) with 120,000 members and 25 independent trade unions, the Lithuanian Trade Union "Solidarity" (the former Workers' Union) with 50,000 members, and the Lithuanian Work Federation with 20,000 members. They all worked within the Trilateral Commission, which brought together labor groups with representatives of employers' organizations and the Government.

The 2000 Law on Settlement of Labor Disputes establishes minimum conditions and procedures for investigating individual labor disputes. Trade union leaders claimed that this law prevented unions from investigating labor disputes in the workplace. Difficulties commonly arose in state enterprises in which employees were represented by more than one union. Solidarity officials charged that managers in some companies discriminated against their organizers and dismissed employees in retribution for their trade union activities.

There are no restrictions on unions affiliating with international trade unions, and some unions have affiliated with European unions.

b. The Right to Organize and Bargain Collectively.—In May the Government, trade unions, and the employers' associations signed an agreement on tripartite cooperation, which provides for regular meetings to discuss issues related to implementation of labor laws and the prevention of illegal labor.

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. As amended in 2001, the law provides trade unions the right to negotiate nationwide, branch, and territorial collective agreements; however, collective negotiations regarding labor relations, including wages, are not very widespread. Workers often took their complaints directly to their employers. Wage negotiations were more common in enterprises that had trade unions.

On June 4, the Parliament enacted the new Labor Code to take effect from 2003. The Code sets forth collective bargaining as the main tool to regulate labor relations, restricts short-term contracts—which are now subject to collective bargaining, and gives the employees the right to be represented in collective bargaining not only by trade unions but also by other employees' representatives—a work council elected by a secret ballot.

Managers often determined wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government periodically issued guidelines for state enterprise management in setting wage scales. The trade unions engaged in direct collective bargaining over wages at the workplace level. Wage decisions were made mostly at the enterprise level. Trade unions supplemented their bargaining activities with active lobbying of Parliament and the Government.

The trade unions criticized amendments to the Employment Contracts Law, passed in 2001, which enable employers to fire employees without the consent of the union. They also complained that trade union lawyers could not defend union members in labor cases and that there were no special labor courts.

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. From January to August, there were no official strikes, compared with 34 strikes in 2001.

In September a special economic zone was established in the port city of Klaipeda. Worker rights were not restricted in the zone.

c. Prohibition of Forced or Bonded Labor.—The Constitution specifically prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

In December the media reported that several dozen servicemen-recruits from the Interior Ministry's anti-riot, guarding, and convoying unit were enticed to work for commercial companies related to the unit's commanders. The practice was discontinued, and the Ministry of Interior initiated a probe into the case.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children without parental consent is 16 years; with written parental consent, it is 14 years. Complaints about the infringement of child labor regulations are referred to local prosecutors who investigate and take legal action to stop violations. Child labor problems were rare.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The legal minimum wage was \$123 (430 litas) per month, which did not provide a decent standard of living for a worker and family. Enforcement of the minimum wage was almost nonexistent, in part because the Government did not want to exacerbate unemployment. Every 3 months, the Council of Ministers and the Ministry of Social Security must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. According to the Ministry of Economy, the average gross wage in the first quarter of the year was \$310 (1,041 litas) per month, a 4.4 percent increase over the corresponding period of 2001. For a majority of the population, living standards remained low. The poorest 10 percent of households spent approximately 41.5 percent of their income on food and non-alcoholic beverages. The 40-hour workweek is standard by law, with at least one 24-hour rest period, and there are laws on overtime and vacation.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. During the first half of the year, the Labor Inspection Service received 1,999 complaints and declarations, of which 46 percent were found to have merit; 703 complaints concerned abuses of labor laws and 610 dealt with working conditions. The most numerous abuses included wage arrears, illegal

employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right both in law and practice to remove themselves from dangerous work environments without jeopardy to their continued employment. From January to August, the State Labor Inspection Service recorded 111 fatal accidents at work and 127 other work accidents.

In June the Parliament passed amendments to the Employee Safety and Health Law that allow the introduction of longer than 8-hour night shifts provided that the average working day during a 4-month period should not exceed 8 hours. In 2001 the Government issued regulations that gave labor inspectors greater authority in investigating accidents and approved regulations on workers' safety when handling chemical substances and substances causing cancer and mutations.

The labor laws protect foreign workers.

f. Trafficking in Persons.—The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of prostitution was a problem. International and local NGOs claimed that the problem increased despite significant efforts by the Government to fight it. Authorities do not facilitate or condone trafficking, but some individual members of police forces may do so.

The law criminalizes trafficking in persons for purposes of sexual abuse: The penalty is 4 to 8 years' imprisonment. The penalty is increased from 6 to 12 years if the crime was repeated, premeditated, and committed by a dangerous criminal or against juveniles. Additional punishment, such as confiscation of property, may also be applied. From January to August, the police initiated 18 investigations, and in 4 cases several individuals were convicted of trafficking in persons (compared to 16 investigations and 2 convictions in 2001). In one case in February, the police in Alytus (southern Lithuania) arrested 6 persons on charges of trafficking two juvenile women "bought" for approximately \$200 (750 litas).

NGO experts considered government efforts to prevent trafficking in persons and search for missing persons to be inadequate. A limited number of police agents were involved in investigating trafficking cases.

The Criminal Code of Procedures and the Criminal Code, as amended in 2001, allows more effective prosecution of trafficking cases. A shortage of funding for prevention and assistance to victims and, to a lesser extent, for investigation, prosecution, and witness protection, limited the Government's ability to address the problem of trafficking in practice. Some NGOs believed that government aid for victims of trafficking was also limited because of a reluctance on the part of local governments to make use of the existing social security network to provide shelter and counseling for victims of trafficking. There were a number of anti-trafficking publicity campaigns, carried out by government, NGOs, the media, and by the local bureau of the International Organization for Migration.

In April the Government signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention Against Transnational Organized Crime. In January the Government approved a Program on the Control and Prevention of Trafficking in Humans and Prostitution for 2002–2005, prepared by the ministries of Education, Justice, Interior, and Health Care, as well as the Prosecutor General's Office, the Center for Crime Prevention, and NGOs. The program focussed on the causes of prostitution and human trafficking, on preventive measures, fighting organized crime groups, and on social, psychological and legal support to victims of prostitution and human trafficking. It envisions an educational program and a national database containing the records of people arrested for carrying forged documents or suspected of running prostitution rings, missing persons and people deported from or to the country.

The country was a source, transit point, and destination for trafficking in women and girls. Women were primarily trafficked to Germany, Spain, Netherlands, Denmark, Sweden, Norway, and Greece; trafficking to the Middle East (Israel and the United Arab Emirates) as well as to France and Austria reportedly declined. Women from Ukraine, Russia (Kaliningrad district), Belarus, Latvia, and the domestic countryside were trafficked to the country's major cities and to Western Europe.

A number of women, some underage, were enticed or forced into prostitution and sold abroad by organized crime figures. Traffickers particularly targeted the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, or waitresses. Women also were tricked into prostitution through false marriage advertisements. Victims' compliance was ensured via threats and the withholding of their documents. Their families often were unaware of their predicament and believed that they had been kidnaped. However, it was difficult to determine what percentage were enticed or coerced and how many departed voluntarily.

In the spring, a court in Klaipeda sentenced two former police officers to 3 to 7 years in prison in a trafficking case. In June four former police officers were sentenced for abusing their positions to extort services from prostitutes and provide cover for pimps.

There are no specific government assistance programs for victims of trafficking; however, the police offered protection for witnesses. Government agencies and NGOs encouraged victims to file civil suits or to seek legal action against traffickers. There was no prosecution of trafficking victims for violations of other laws, such as those governing immigration or prostitution, but the law does not guarantee safety for victims in this regard.

The Government provided financial assistance to the Missing Persons Family Support Center, an NGO, amounting to one-third of the NGO's annual budget. The Center operated a shelter funded by various Lithuanian and foreign donors, looked for additional shelters, and tried to secure victims' access to legal and counseling services. It cooperated with the Mother and Child Care House in Vilnius operated by the Catholic charity Caritas. The Mother and Child Hostel operated by the municipality of Vilnius provided shelter for victims. The NGO Lithuanian Catholic Women's Union ran a network of shelters in Lithuania and participates in the European anti-prostitution and anti- trafficking project Magdalena. The NGO Demetra, funded primarily by foreign sources, provided medical assistance for women engaged in prostitution in Vilnius. The NGO Praeities Pedos (Footprints of the Past) researched the problem of trafficking of women and forced prostitution and produced several publications on the subject.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

Civilian authorities maintained effective control of the only security forces, the Grand Ducal Police.

The country had a market economy with active industrial and service sectors. The population was approximately 439,500. The standard of living and the level of social benefits were high.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Domestic violence was a problem. Women were trafficked for sexual exploitation. Luxembourg was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately in prisons. Juveniles and adults imprisoned for minor crimes at times were held together (but in separate cells). Pretrial detainees were not held separately from convicted criminals.

A report commissioned by the Government cited poor management, rampant drug use, and an insufficient number of trained personnel at the penitentiary in Schressig to cope with the inmates' medical and psychological problems. There were two suicides reported during the year at the prison. In September "senior" prisoners wrote an open letter complaining about bad treatment from the surveillance personnel, the prison administration, and the poor conditions.

The Government permits prison visits by independent human rights observers, although according to prison officials and Amnesty International, no such visits were requested during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

The Constitution prohibits forced exile, and the Government did not employ it in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two District Courts heard more serious cases. The Youth and Guardianship Court ruled on matters concerning the protection of young persons. An administrative court system reviewed citizen challenges to legislation.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor may appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

A total of six daily and three weekly newspapers were published. While independent, all but one had an editorial line slanted toward a major political party. One domestic radio and television station, partially owned by the State, broadcast in the country. There were three other independent radio stations and one independent television station.

Internet access was widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedom of assembly and association, and the Government generally respected these rights in practice. The Government required and routinely issued permits for public meetings and demonstrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no state religion, but the State provided financial support to some churches. Specifically it paid the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintained sectarian religious facilities. The Government has not acted on longstanding Anglican and Islamic requests for government funding. (According to the Government, the Anglican Church submitted a "complete request" in 1998; the Islamic request was an inquiry and was not considered a formal request.)

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provided first asylum.

In March 2001, the Government invited certain persons residing in the country without legal status to legalize their situations. Of the 2,886 applications received, the Government granted legal status to 1,839 persons, and refused legal status to 972 persons. The remaining 75 cases were still pending at year's end. In July the Government pledged to expel several thousand refugees from Montenegro who re-

portedly did not qualify for asylum status, which it began doing in August, once it had received the refugees' papers from their home country.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National parliamentary elections are held at least every five years.

There were eight women in the 60-member legislature, and four women in the 14-member Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits racial, sexual, or social discrimination, and the Government enforced these provisions.

Women.—Domestic violence was a problem. In 2001 shelters provided refuge to 403 women and 401 children, compared with 362 and 413, respectively, in 2000. The law does not specifically prohibit domestic violence. The law does allow for an abuser to be forced to leave the family home, thereby giving the victim a place to stay. In addition, the Government provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported that they received 4,358 telephone calls in 2001, an increase from 2000 levels when 3,724 telephone calls were received. The Government funded organizations that provided shelter, counseling, and hot lines. Women were trafficked for sexual exploitation (see Section 6.f.).

Women enjoyed the same property rights as men under the law. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage. The law mandates equal pay for equal work, and the Ministry for the Promotion of Women had a mandate to encourage a climate of equal treatment and opportunity; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Government cited the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. There were no work-related discrimination lawsuits. Women constituted 33 percent of the work force.

Children.—The Government was strongly committed to children's rights and welfare; it amply funds a system of public education and health care. The law mandates school attendance from the ages of 4 through 15, and school attendance is universal through that age. Schooling was free through the secondary level, and the Government provided some financial assistance for postsecondary education.

There was no societal pattern of abuse of children. A physicians' organization estimated that approximately 200 cases of child abuse that required treatment in hospitals each year resulted in legal proceedings. The Government's hot line for young persons in distress received 557 calls during the year.

A 1999 law increased penalties for adults who traffic in children, facilitate child prostitution, or exploit children through pornography. The law also extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such activities were reported during the year.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services. The Government assisted persons with disabilities obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring workers with disabilities and must pay them prevailing wages. The quotas were fixed according to the total number of employees; employers who did not fulfill them were subject to sizable monthly fines. The Government provided subsidies and tax breaks for employers who hired persons with disabilities. There were no known complaints of noncompliance with the disability laws. However, despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons were not applied or enforced con-

sistently, and there was a particular problem in the case of persons with mental disabilities.

The law does not directly mandate accessibility for persons with disabilities, but the Government paid subsidies to builders to construct “disabled-friendly” structures. Despite government incentives, only a small proportion of buildings and public transportation vehicles were modified to accommodate persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—All workers had the constitutional right to associate freely and choose their representatives, and they exercised this right in practice. Of the working population, 57 percent belonged to a trade union. Membership was not mandatory. Unions operated free of governmental interference. The two largest labor federations were linked to, but organized independently of, major political parties.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal may fine an employer found guilty of antiunion discrimination, but it may not require the employer to reinstate a worker fired for union activities.

Unions maintained unrestricted contact with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects collective bargaining, which was conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government’s National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes, legal or illegal, occurred during the year. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced and bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitored the enforcement of child labor laws.

e. Acceptable Conditions of Work.—The law provides for minimum wage rates that vary according to the worker’s age and number of dependents. The minimum wage for a single worker over the age of 18 was \$8.65 (8.26 euros) per hour for unskilled workers, and \$10.39 (9.92 euros) per hour for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay was required for overtime or unusual hours. Employment on Sunday was permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries requested permission for Sunday work, which the Government granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage, or be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers received at least five weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the Labor Inspectorate

to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

Foreign workers were protected equally by law.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women for sexual exploitation reportedly was a problem.

The Penal Code provides for 5 years' imprisonment for trafficking; however, no one had been arrested or prosecuted on trafficking charges by year's end. In February 2001, the Chamber of Deputies debated the Government's policy that granted limited entry visas and special work permits to nearly 1,000 women a year, mainly from Eastern Europe, to work as performers in cabarets. In order to receive the visas, the women must sign a contract in their own language regarding their rights, and they were given an emergency telephone number to call if needed. However, no reforms were passed by year's end.

Luxembourg was a destination country for trafficked women. Most women trafficked into the country came from Russia, Ukraine, Hungary, and Romania and worked in cabarets.

According to the Ministry of the Promotion of Women, there were no government prevention campaigns, and no government services for victims. Women traveling to the country on an "artiste" visa were given an emergency number to call if needed. One NGO dealt with the problem but the Government did not provide funding to foreign or domestic NGO's for services to victims. However parliamentary commissions were discussing ways to address these problems.

In October the Ministry for the Advancement of Women, in cooperation with the German NGO Solwodi (Solidarity with Women in Distress), French (Mouvement du Nid), and Luxembourg (Fondation Maison de la Porte Ouverte), held a seminar on trafficking awareness. Their aim was to establish a transborder network for the protection of the victims of women and children trafficking.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Macedonia, which became independent in 1991 following the breakup of Yugoslavia, is a parliamentary democracy with multiethnic party representation and a popularly elected president. In parliamentary elections held in September, opposition parties, including an ethnic Albanian party primarily formed by former insurgents, won a majority of seats. The elections were free, fair, and peaceful; the Organization for Security and Cooperation in Europe (OSCE) led a large international monitoring effort. In November the Social Democratic Union of Macedonia (SDSM), Liberal Democratic Party of Macedonia (LDP), and Democratic Union for Integration (DUI) formed an ethnically mixed government led by Prime Minister Branko Crvenkovski. President Boris Trajkovski, the candidate from the Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE), was elected in 1999 in elections characterized by irregularities. During the year, the Government and Parliament continued implementation of the Framework Agreement (FWA) that brought the 2001 insurgency to an end, and the process of recovery continued. The FWA provided for enhanced civil rights for minorities and devolution of governmental power to local governments. The Constitution provides for an independent judiciary; however, at times the judiciary was inefficient and subject to political influence.

From February to July of 2001, Macedonia experienced an insurgency conducted by Kosovar and indigenous ethnic Albanians. Although the insurgents purported to fight for greater civil rights for ethnic Albanians, some observers also attributed to the insurgents criminal motives or intention to form a new, "Greater Albanian" state. NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the Framework Agreement with international facilitation by the U.S. and the European Union (EU). By year's end, the Parliament had completed nearly all FWA-mandated legislative actions (including amendment of the Constitution), which provided for enhanced minority civil rights and devolution of power to local governments. Before coming to power in late October, the SDSM/LDP and DUI agreed to a common governmental platform centered on implementation of the FWA and FWA-mandated laws.

The Ministry of Interior, which oversaw the uniformed police, the non-uniformed police, the border police, the police reservists, and the internal intelligence service, was under the control of a civilian minister; a parliamentary commission oversaw operations. The Ministry of Defense shared with the border police responsibility for border security. During the year, multi-ethnic police completed their return, with the assistance of the OSCE and NATO, to rural areas from which they had been

expelled during the 2001 conflict. Members of the police committed serious human rights abuses.

The country, with a population of approximately 2 million, has experienced sustained economic problems since independence. GDP shrank by 4.1 percent in 2001 to \$3.7 billion, or \$1,830 per capita. GDP in the third quarter of the year was 1 percent higher than in the same quarter last year; expected GDP for the year was 0.3 percent. The external debt at the end of December was \$1.52 billion, with a debt-to-GDP ratio of 41.7 percent. Annualized inflation at year's end was 1.8 percent, down from 5.5 percent in 2001. Officials of the outgoing, VMRO-DPMNE-led government were accused of profiting illicitly from the privatization of state-owned enterprises. Unemployment remained high at 31.9 percent. A low standard of living and a high unemployment rate prompted continued social unrest.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The Government that assumed power on October 31 demonstrated a commitment to improving the country's human rights observance through concrete actions. Under the outgoing government, there was at least one instance of an unlawful killing by police, and there were numerous instances of torture and beatings of detainees by police. In most human rights abuse cases, the Government took insufficient steps, or no steps at all, to investigate and discipline responsible policemen. The judiciary did not effectively investigate or prosecute state agents for alleged human rights abuses. Arbitrary arrest and detention continued to be a problem. Police continued to compel citizens to appear for questioning, in spite of a 1997 law that requires police to obtain first a court order. Implementation of an Amnesty Law for former combatants not accused of war crimes continued at year's end. While most judicial authorities cooperated, some obstructed implementation of the law. Police intimidated and physically assaulted members of the media. The Government placed some limits on religious freedom by restricting the establishment of places of worship.

Violence and discrimination against women (particularly in the ethnic Albanian community) remained problems. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, remained a problem. Trafficking in women and girls for prostitution was a problem. Adoption of FWA-mandated legislation laid the legal groundwork for improving civil and minority civil rights. Macedonia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second Ministerial Meeting in Seoul, Republic of Korea, as a participant.

In the course of Macedonia's internal conflict in 2001, the police, ethnic Macedonian paramilitaries associated with the police, and the National Liberation Army (NLA) committed numerous, serious abuses. The Amnesty Law provided amnesty from prosecution to former NLA combatants and government draft evaders, but did not afford protection to war criminals. The International Criminal Tribunal for the Former Yugoslavia (ICTY) in October asserted primacy in five war crimes cases.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The police continued to occasionally commit unlawful killings, and Chief Public Prosecutor Dzhikov and former Minister of Interior Boskovski played key roles in ensuring that these crimes remained in impunity. At year's end, Boskovski remained under investigation by the ICTY for his alleged role in unlawful killings of ethnic Albanian civilians at Ljuboten in August 2001.

On March 2, at Rostanski Lozija, police shot and killed seven illegal immigrants who were attempting to transit the country on their way to Greece. Police then planted weapons and NLA uniforms next to the bodies. Former Minister of Interior Boskovski, changing his account of the incident several times during the day, claimed that the seven men had ambushed four policemen, and that in returning fire, the police killed all of their assailants. Some were shot as many as 56 times. Boskovski denounced the seven (six Pakistanis and one Indian) as international terrorists, and alleged that they had intended to attack Western embassies as well as government targets. A Ministry of Interior investigation exonerated the policemen involved of wrongdoing, and the Chief Public Prosecutor failed to adequately investigate or prosecute the incident. The new government began an investigation into the case, but there were no concrete developments by year's end.

On October 18, Macedonian police in Tetovo shot and killed one ethnic Albanian youth and injured another when they failed to stop at a police checkpoint.

In December 2001, members of the "Lions" police paramilitary unit shot an ethnic Albanian farmer, Sabit Alili, in the leg while he was working in his field at Ratae.

The “Lions” then purposely tied a tourniquet on his leg too loosely; Alili subsequently died from blood loss. The “Lions” detained and tortured Alili’s son, Nexhat Alili (*see* Section 1.c.). The Ministry of Interior, following its initial announcement that the “Lions” had repelled a major “terrorist attack” at Ratae, concluded that the shooting was accidental and exonerated those involved. The Chief Public Prosecutor failed to adequately investigate or prosecute the incidents.

On April 26, the Macedonian Border Brigade shot and killed one ethnic Albanian and injured two others after the ethnic Albanians drove a truck through an illegal crossing. The Ministry of Defense reported that it was investigating the case, but it was not resolved by year’s end.

On July 15 at Vinica, 20 members of the “Tigers” special police unit beat Alberto Stojcev to death and severely injured three others during an altercation in a bar. Authorities detained 14 “Tigers” and began an investigation. In retaliation six “Tigers” attempted to assault journalist Mare Stoilova at Stojcev’s funeral. Two of the attackers were detained for 30 days, but were not sentenced by year’s end. The Vinica Court was not forthcoming in providing information or confirmation of charges being filed. At year’s end, there was no resolution to the case.

On August 30, a “Lion” shot and killed an ethnic Albanian man on the Tetovo-Gostivar highway entrance during an anti-kidnapping operation. The case remained unsolved at year’s end. On October 19, unidentified persons killed one ethnic Macedonian youth and wounded two others in what police and OSCE believed was a revenge shooting related to the previous night’s incidents. Police conducted an investigation into both incidents, but they remained unresolved by year’s end.

In April the ICTY monitored the exhumation of cadavers at Ljuboten. The activity was in conjunction with its assertion of primacy in the case of alleged extrajudicial killings of ethnic Albanian civilians by police at Ljuboten in August 2001. Former Minister of Interior Boskovski was widely suspected of ordering the killings.

There were no reported violations by the Macedonian Army; however, some abuses occurred in areas patrolled by both police and military forces. The civil conflict in 2001 resulted in a number of ethnic Macedonian casualties, including approximately 75 security officers, and an unknown number of ethnic Albanian casualties. The Macedonian police, paramilitaries, and ethnic Albanian extremist groups committed extrajudicial killings.

On August 26, unknown assailants shot and killed two ethnic Macedonian police officers, Daniel Jankovski and Aleksandar Nikolic, near Gostivar. Among the suspects detained by police was Selam Selami, who was severely beaten and sustained permanent injuries (*see* Section 1.c.). Former Minister of Interior Boskovski—without evidence—blamed DUI president Ali Ahmeti for the killings.

On September 12, Fadil Elmazi, an ethnic Albanian policeman, was shot and killed during an attack on the temporary police station at Bogovinje. The escaped assailants were widely suspected of having been members of an armed ethnic Albanian extremist group.

The Ottawa Convention obliged the Government to destroy its landmines by February 2003. A total of 4,000 antipersonnel mines were to be kept for expert training needs of army members. In the presence of international monitors, the Macedonian Army destroyed 22,820 PMR-2A antipersonnel mines from the total of 42,871 that the country inherited from the former Yugoslav army at Krivolak Military Base. Since October 2001, 3.5 million square kilometers were cleared of mines; 18 mines and 650 parts of unexploded devices were discovered and destroyed. By year’s end, the demining operation cleared an additional 36 villages and an area of 1.54 million square meters of mines. An International Committee of the Red Cross (ICRC) program to educate children on the risk of unexploded devices, begun in August 2001, continued. However, demining and unexploded ordnance (UXO) disposal efforts were not completed by year’s end. On May 8, an Italian NATO TFF officer was killed and a German officer injured when their vehicle struck a mine while conducting demining work at Tetovo.

b. Disappearance.—There were no reports of politically motivated disappearances. On July 8, the International Commission on Kidnapped and Other Missing Persons (created by the EU) issued its report on the fate of 20 persons—13 ethnic Macedonians, 6 ethnic Albanians, and 1 Bulgarian citizen—who went missing during the course of the 2001 conflict. The report attributed the Commission’s inability to determine the whereabouts of any of the 20 persons or their remains to intransigence among police, former NLA combatants, and the cellular telephone provider “Mobimak.” The Commission criticized the Ministry of Interior for a “lack of serious investigations” into the fate of the missing persons. It also said of the Ministry of Interior, “It is rather worrisome that (the Commission) has encountered little which resembles ordinary police work normally emanating in comprehensive police reports—the lack of serious investigation raises questions of a more general nature.”

Former NLA combatants and leaders attributed the disappearance of the ethnic Macedonians to a “rogue NLA unit,” but refused to disclose more information, according to the Commission. The report concluded that at least 8 of the 13 missing ethnic Macedonians were abducted by the NLA, and that the other ethnic Macedonians were last seen in areas where it was possible or likely that they encountered NLA units. At least three of the six missing ethnic Albanians were known to have been in the vicinity of police when they disappeared. The car of one was found outside the Bitola police station. In the cases of the other three ethnic Albanians and the Bulgarian, the Commission stated that it had no information. Former Minister of Interior Boskovski publicly and harshly criticized the report and suggested that Commission President Ambassador Lars Wahlund be expelled from Macedonia.

DNA testing indicated that remains from the mass grave at Neprosteno belonged to at least four persons. At year’s end, the International Committee on Missing Persons was making arrangements with the Government and family members to assist in resolving the cases. ICTY, which has primacy, planned to begin an investigation of Neprosteno in early 2003.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police at times used excessive force during the apprehension of criminal suspects and sometimes tortured and abused prisoners.

On February 25, police reportedly beat Plasnica Mayor Ismail Jaoski, a Macedonian Muslim, after stopping him along the road between Prilep and Gradsko. When Jaoski reported the incident to Prilep police, the same police officers allegedly beat him at the police station. Reportedly, the former station commander stopped the incident and released Jaoski. The State Public Prosecutor in Prilep failed to bring charges against the police officer, citing insufficient evidence. Since the State Public Prosecutor was unresponsive, Jaoski hired a lawyer and brought charges against the individual policeman who beat him. On March 14, “Lion” Spase Zlatanov shot and permanently crippled a 16-year-old male, allegedly for refusing the offer of a drink. Zlatanov was convicted of attempted murder and sentenced to 8 years in prison.

On April 26, six to eight police severely beat an OSCE observer after attending a party at a bar with a reputation of being frequented by hardline VMRO-DPMNE supporters. It was alleged that the presence of some guests (including ethnic Albanian interpreters assigned to TFF) at the party might have attracted hostile attention. After having the incident repeatedly brought to his attention, the Chief Public Prosecutor requested the victim to report to the basic Public Prosecutor’s office to file more information on the event. The case was not resolved by year’s end.

In April police detained Vulnet Kazimi, Tetovo Police Inspector for Illicit Drugs and Smuggling. Kazimi alleged that his police colleagues abducted, beat, and tortured him, and accused him of conspiring with the PDP political party to attack a DPA-owned Tetovo restaurant, Dora. Kazimi claimed he was forced to sign a confession. During the 2-week detention, police allegedly did not inform Kazimi’s family of his whereabouts, and denied him food, water, and medical treatment. In November Kazimi was found guilty and sentenced to 1 year in prison.

On June 13, police detained brothers Bojan and Dusko Arangelovi of Kocani. At the police station, the brothers were separated. Dusko, a member of the then-opposition party SDSM, allegedly was tortured while bound to a radiator.

In June allegedly intoxicated police reservists shot and injured an 11-year-old girl on Skopje streets. The Ministry of Interior was not known to have taken any action by year’s end.

In late August, Gostivar police arrested three ethnic Albanians on suspicion of involvement in the shooting death of two policemen. One of those arrested, a previously disabled individual named Selam Selami, was beaten severely and sustained permanent injuries to the head, and remained in a coma until the end of October. ICRC and OSCE repeatedly and unsuccessfully tried to gain access to Selami. The Gostivar court declined to bring charges against Selami due to lack of evidence, but a Skopje court later charged Selami with criminal association. As of late October, Selami’s pretrial detention had been extended twice. He remained in pretrial detention and allegedly was denied adequate medical attention. In early December, he was released on bail pending trial. By year’s end, no trial date had been set.

On November 28, Macedonian Customs Administration Acting Director General Vancho Lazarov was beaten severely and hospitalized. Prior to the attack, Lazarov had been threatened on several occasions, allegedly to deter his implementation of an anti-corruption program with the Customs Administration. An investigation was underway at year’s end.

In May during a “Lions” live-fire training exercise, former Minister of Interior Boskovski injured four persons. The distance to the targets at which he was firing

a 30 millimeter grenade launcher was too short; as a result, shrapnel blowback hit and injured four persons. Although charges were pressed against the former Minister of Interior, the investigation was stalled at year's end because the Gostivar court did not pay the Institute of Forensics and Criminology in full for forensic work conducted during the investigation. Responsible police range officers were not adequately disciplined.

According to the Helsinki Committee, on April 3, six to eight "Lions" detained and allegedly tortured two Macedonian Muslims, Cano Canoski and Vebija Saloski, who were gathering wood in a forest near Oktisi. Police contended the men did not have identification documents and claimed that they only tried to restrain them. Canoski and Saloski reportedly escaped after about an hour and tried to report the incident in both Oktisi and Struga police stations. Upon being prompted by the Helsinki Committee, the Ministry of the Interior reported that some of the involved policemen had been temporarily relieved of duty.

Between August 29 and September 1, some "Lions" allegedly beat at least seven ethnic Albanians during an operation to secure the Gostivar-Tetovo highway. The operation was in response to the kidnaping of five ethnic Macedonians (*see* Section 1.b.).

In December 2001, the "Lions" detained Nexhat Alili, without explanation, and released him 2 days later. Nexhat Alili claimed that, while in detention, he was tortured and injected with an unknown substance. Neither former Minister of Interior Boskovski or the Chief Public Prosecutor conducted an investigation or indicted any of the perpetrators.

There also were reports of police beating journalists (*see* Section 2.a.).

There were credible reports of occasional police violence against Roma, including beatings during arrest and while in detention (*see* Section 5).

According to the Center for Interethnic Tolerance and Refugees, police were involved in trafficking in persons (*see* Section 6.f.).

On January 23, five unknown, masked individuals beat Pavle Todorovski, the ethnic Macedonian deputy chairman of a newly formed local interethnic council, in his house in the majority ethnic Albanian town of Tearce, near Tetovo. Whether the attackers were ethnic Albanians or ethnic Macedonians opposed to Todorovski's efforts at local reconciliation is unclear. However, according to an Amnesty International (AI) report on the incident, the assailants called Todorovski a "Macedonian traitor."

On October 31, an explosion took place near the entrance of the Parliament building. Police saw, but were unable to apprehend, the attacker. No one was injured, but approximately 10 vehicles were damaged. Many interpreted the attack as a warning to the DUT's Ali Ahmeti not to attend the session; he did not attend. Both the Macedonian National Front (MNF) and the Albanian National Army (ANA) released communiques asserting responsibility for the attack.

Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. Men and women were held separately. While juveniles also were supposed to be held separately, limited facilities at times resulted in older juveniles being confined with adults. Pretrial detainees were held separately from convicted criminals. The Government permitted visits to convicted prisoners by independent human rights observers such as the ICRC and the Human Rights Ombudsman. However, the law prohibits visits to pretrial detainees by any person other than the accused person's lawyer, and this provision commonly was enforced.

As a result of the Government's ratification of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Committee for the Prevention of Torture (CPT) was authorized to visit all places of detention on a regular and ad hoc basis. In July the committee's delegation visited Bit Pazar Police Station (Skopje), Mirkovci Police Station (Skopje area), and the Tetovo Police Station.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution specifically prohibits unlawful arrest; however, arbitrary arrest and detention were serious problems. Although the law requires warrants for an arrest, this provision frequently was ignored, and it was common for a warrant not to be issued until some time after an arrest or for a judge to deny that he had signed the warrant. The Constitution states that a detainee must be arraigned in court within 24 hours of arrest. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. However, according to human rights observers and criminal defense attorneys, police at times violated the 24-hour time period within which a suspect must be arraigned, and denied detainees immediate access to an attorney.

There were several credible reports that police used falsified warrants (*see* Section 3).

The maximum length of pretrial detention is 180 days. Pretrial detention exceeding 180 days was a problem, and detainees frequently were held on weak evidence. The ICRC repeatedly tried to gain access to pretrial detainees during the year, succeeding in some cases but not in others; it has not made any attempts since the new government was formed. The investigative judge decides about the legality of detention. If the judge determines that an arrested person should be further detained, the judge must immediately inform the Public Prosecutor. If the Prosecutor does not file a request for a criminal investigation within 24 hours, the investigative judge must release the arrested person.

On July 8, ethnic Macedonian family members of 12 persons who disappeared during the 2001 conflict blocked the Skopje-Tetovo highway at Zelino to protest the lack of progress in determining the fate of their loved ones. The Ministry of Interior used the occasion to infiltrate armed "Lions" into the group in an attempt to provoke armed conflict with ethnic Albanians in the area. Although armed former NLA combatants surrounded the "Lions" and family members, they eventually allowed them to leave without further incident.

On August 29, unidentified ethnic Albanian perpetrators abducted five ethnic Macedonians along the Tetovo-Gostivar highway. The kidnapers demanded the release of four alleged ANA members, safe passage, and a 3-hour head start on police. The demands were not met, and the victims were freed shortly thereafter without incident. On September 9, the Ministry of Interior publicly stated that it had requested that the Public Prosecutor file criminal charges against perpetrators whom it did not identify.

In November the International Commission on Missing Persons opened a Skopje office to further efforts to determine the fate of the 20 persons who went missing during the 2001 conflict (*see* Section 1.b.). Despite an investigation, the whereabouts of the 20 missing persons remained unknown at year's end.

On March 7, Parliament passed an Amnesty Law benefiting persons accused of fighting with or actively supporting the NLA up until the date of the NLA's disbandment in September 2001. Many persons benefited from the law, including some whose "crimes of preparation" were committed as early as 1996. Atrocities committed by NLA combatants, which were covered by the Amnesty Law, include killings and expulsions of Macedonians in villages north of Tetovo. The Amnesty Law explicitly excluded persons accused of war crimes, but senior ethnic Albanian political leaders sometimes cited the law in insisting that all former combatants, whether or not they were accused of war crimes, be released. On a few occasions, police falsely accused former combatants of war crimes in order to justify prolonging their detention.

In November 2001, while securing an alleged mass gravesite at Neprosteno, police arrested seven men on charges of possession of illegal weapons. Five of the men were released, but two, Shkodran Idrizi and Fadilj Ferati, remained in pretrial detention until their release in early December. The Skopje Second Court maintained that the two were suspects in the August 2001 Mavrovo Road Workers torture and sexual abuse case. The ICTY Prosecutor asserted primacy in the Mavrovo Case and four other alleged war crimes cases on May 14. On June 26, she stated that she would not indict Idrizi and Ferati in the Mavrovo Case, and ordered the state to free them. In October an ICTY trial chamber upheld the prosecutor's assertion of primacy. However, Chief Public Prosecutor Stavre Djikov took no action to free Idrizi and Ferati. Djikov was dismissed on December 4, and Idrizi and Ferati were released soon afterwards. Residents of the men's hometown and other sympathetic ethnic Albanians protested their innocence on several occasions. No members of the ethnic Albanian community were known to have cooperated with authorities to identify the perpetrators of the torture case.

There were no reports of "informative talks" during the year. Informative talks, as previously envisioned by the Law on Internal Affairs and carried out in practice, no longer were allowed. Legislation provides that the Interior Ministry (police) can invite a person for an interview, but there is no obligation for that person to give any statement to the police. The police have no powers to bring in a person coercively for an interview. The Constitution also provides that a person is entitled to an attorney during the police procedures. However, according to AI, there were still incidents of police ill-treating and torturing detainees.

There were credible reports that the police arbitrarily arrested and detained Roma. According to the European Roma Rights Center (ERRC), on June 11, four police officers beat Celebi Semov and Nedzat Kamberi on the outskirts of Stip as they were returning from gathering firewood in the mountains. Semov reported that he and Kamberi were pulled from their cars by the police, pushed to the ground and

handcuffed. Semov testified that the officer who had pulled him from the car punched him in the head, then grabbed him by the hair, lifted him from the ground, and kicked him in the head. Semov reported that he, Kamberi, his minor son, and one other man reportedly were taken to the police station in Stip. At the police station, Semov reported that the police took their personal data and issued them papers for confiscating their vehicles. ERRC filed a criminal complaint with the Stip Public Prosecutor's Office. As of September, the investigation was ongoing and the Stip Public Prosecutor informed ERRC that they had identified two possible suspects, but that they had testified that a friend had injured Semov.

Under the new SDSM-led government, the police continued a pattern of selective enforcement of various laws and regulations against individuals and businesses linked with the VMRO-DPMNE opposition.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice, although the court system at times was inefficient and subject to political manipulation. The Chief Public Prosecutor and other elements of the judiciary sometimes acted to ensure the impunity of state agents who committed human rights abuses. The court system was three-tiered and was composed of municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation. The judiciary was generally weak and was influenced by political pressure and corruption, in part due to low salaries; however, there were no reports of widespread abuse or systemic corruption.

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. Two community-member consulting jurors assist each judge, although the judge makes the final decision. The Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates: the Office of the People's Ombudsman was created and became functional in 1997 (*see* Section 4).

The Framework Agreement states that the judiciary should better reflect the ethnic composition of the population and states that one-third of the judges on the Constitutional Court, the Ombudsman, and three members of the Judicial Council will be chosen by the Parliament, including by a majority of the ethnic minority Members of Parliament to ensure minority representation. During the year, the ethnic diversity of judges increased. There was no change in the membership of the Constitutional Court, but two of its nine members were ethnic Albanians. Two of the 4 new judges on the 25-judge Supreme Court were ethnic Albanians. One of the 6 new judges on the appellate court was ethnic Albanian, and 1 of the 17 new judges on the Basic Court was ethnic Albanian.

The Constitution provides for a fair public trial, and an independent judiciary generally enforced this right. The law also provides for the presumption of innocence until proven guilty by a court, the right to a lawyer in pretrial and trial proceedings, and the right to an appeal. The judiciary generally enforced these rights. Court hearings and the rendering of verdicts were open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant was of concern. Trials may not be televised, pursuant to the Criminal Procedure Code, unless authorized by the court under special circumstances.

Prior to the March 7 parliamentary passage of the Amnesty Law, President Trajkovski had pardoned 64 persons in 2001 who had been accused of fighting with or actively supporting the NLA. At least 22 of the remaining 24 who had not yet been pardoned as of December 2001 were amnestied and released during the year. Izair Samiu received amnesty for acts related to the 2001 conflict, but remained in detention for a post-conflict criminal conviction until April, when he was released on bail. There were no further legal procedures related to his case at year's end.

Following the passage of the Amnesty Law, the judiciary halted hundreds of criminal proceedings against former NLA combatants and active supporters. However, the judiciary's application of the law sometimes was erratic. Courts usually released arrested, former NLA combatants after determining that the Amnesty Law was applicable to them. However, the Skopje Second Court and others fabricated "war crimes" charges in order to prolong the detention of persons who should have benefited immediately from the Amnesty Law. In addition, the Skopje Second Court failed to fully implement the Amnesty Law. Very few former combatants were proactive in hiring attorneys and approaching courts to have the cases against them dropped, preferring instead to wait until a court took up review of their cases. Former NLA leader Ali Ahmeti, who had criminal charges dating back to the Yugoslav period, was not fully amnestied. However, upon certification as a Member of Parliament (M.P.), he, like other members of Parliament, received immunity from

prosecution for the duration of his parliamentary term. In late November, the courts announced that they had revoked the arrest warrants for Ahmeti and several other persons wanted in relation to crimes covered by the amnesty during the conflict. By year's end, approximately 80 warrants still existed and several former combatants were not released.

On October 25, a trial chamber of the ICTY upheld a May assertion of primacy by the ICTY prosecutor in five alleged war crimes cases. The judiciary signaled its willingness to comply with the instruction to suspend any domestic proceedings dealing with the five cases, but rejected the ICTY prosecutor's request that it also yield primacy over any future war crimes cases to the ICTY.

Early in the year, OSCE's Rule of Law unit limited its activities to ad hoc support of the police redeployment plan and monitoring the return of refugees, internally displaced persons (IDPs), and trafficking in human beings. OSCE also facilitated police and community liaison offices in a number of communities to which the police returned. During the year, the Rule of Law unit shifted focus to institution building (such as Ombudsman support and NGO building), anti-trafficking (such as supporting the judicial and prosecutorial system to improve the prosecution of cases), and judicial reform (such as minority representation, criminal legislative reform, and judicial transparency).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice.

No further progress was made on wiretapping investigations stemming from previous years' cases, including one involving Ministry of Interior employees in early 2001.

The law on eminent domain stipulates that landowners forfeiting land shall be fairly compensated. However, in April the Electric Power Company of Macedonia (ESM) and the Ministry of Finance (Property Rights Directorate) expropriated property in several villages along the Treska river. Owners of the expropriated land were offered non-market prices of \$1 to \$2 (60 to 120 denars) per square meter.

Significant progress was made on housing reconstruction. The U.N. High Commissioner for Refugees (UNHCR) and international partners led efforts to rehabilitate more than 5,600 homes that suffered minor damage. The European Agency for Reconstruction continued to rebuild the more badly damaged homes and completed an additional 550 houses at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, there were reports that the Government intimidated media that were critical of its policies and programs. The media were not truly independent. Virtually all media outlets were aligned with a political interest, and news and information generally were reported from a political perspective.

Political opposition groups and the Association of Macedonian Journalists criticized government intimidation tactics against media organizations that carried reports critical of the Government. Financial backers and supporters of media organizations complained that they were threatened with reprisals for their affiliation with media outlets critical of the Government. For example, several months prior to the September elections, the Government threatened to revoke the privatization of the Ferpsed company, which owned the daily Vest because it supported the opposition SDSM.

Nine major daily newspapers were published in Skopje, as well as numerous weekly and monthly publications. There was nationwide distribution of dailies and weeklies. The top three national dailies were Dnevnik, Utrinski Vesnik, and Vest. There was one bilingual (Macedonian/Albanian) national daily, Global. Some towns and municipalities had local newspapers. The Government provided a yearly financial subsidy to the print media. There were charges by the press that subsidies were allocated along party lines, with progovernment or government-sponsored publications receiving the highest subsidy regardless of circulation. The two Albanian-language national newspapers, Fakti and Flaka, did receive government subsidies, as did the Turkish-language newspaper Birlik. Two government-sponsored publications, Vecer and Nova Makedonija, consistently criticized NATO and the international community through biased and inaccurate reporting.

The leading newspaper and largest publishing house is Nova Makedonija, which published two national dailies in Macedonian (Nova Makedonija and Vecer), one national daily in Albanian (Flaka), and one national daily in Turkish (Birlik). Nova Makedonija sold 70 percent of its shares to a Slovenian-registered company in August. There were allegations that the Slovenian company was a front for VMRO-

DPMNE. Prior to the sale, Nova Makedonija and Vecer provided favorable coverage of government activities. News and information about the opposition was consistently negative in these publications. When the new government was installed, the share sale to the Slovenian-registered company was investigated, Nikola Tasev, General Manager of Nova Makedonija, was arrested and charged for abuse of power. He was released on bail on December 31. Four other suspects were not placed in custody, but their passports were seized. After the new government took power, a change in the editorial policy of both Nova Makedonija and Vecer was apparent. The frequency of their attacks on the SDSM and DUI, as well as on the international community, diminished dramatically.

Distributors of foreign newspapers and magazines had to obtain permits from the Ministry of Interior. There were no known reports of such requests being denied during the year. Foreign newspapers, including those from neighboring countries, were available throughout the country.

Macedonian Radio and Television (MRTV) was the sole public broadcaster in the country, with distribution reaching over 90 percent of the population. By the end of August, Macedonian Television had two channels: MTV, which broadcasts programs in Macedonian only, and MTV2, which aired programs in Macedonian and offered limited programming in Albanian, Turkish, and Serbian. Macedonian Television was divided along ethnic and political lines and failed to provide comprehensive and unbiased news and information. MTV and MTV2 were perceived as ethnic television stations, rather than as channels of the national public broadcaster. In September MTV3 was launched in accordance with the Framework Agreement. Programs on MTV3 were broadcast primarily in Albanian, and to a limited extent in Turkish, Vlach, Romani, and Serbian. MTV broadcast in Macedonian and favored the Government point of view. There were an estimated 150 local radio and television stations registered in the country. The Broadcasting Council of Macedonia, with government concurrence, issued licenses to radio and television broadcasters. The Council was influenced by the Government.

A1 Television was the primary private television broadcaster in Macedonia, followed by SITEL Television. Both were based in Skopje and had nationwide distribution. There were several private Macedonian language television stations in Skopje including Skynet TV, Telma and Channel 5. There were two private Albanian language television stations in Skopje, TV Era and TV Toska, as well as at least one station that broadcast in the Romani language, TV-BTR. TV EDO was a Bosnian language station.

Copyright laws were regularly infringed.

The Government did not censor the media. However, during the year, former Minister of Interior Boskovski sued Start journalist Marjan Gjurovski for slander over a report entitled "They would cause a new war just to stay in power." The new government did not restrict media (including ethnic Albanian media), and gave clear indications that it did not intend to do so.

The Association of Macedonian Journalists characterized journalism as a high risk profession. There have been several alleged incidents of police beating journalists, and the Association of Macedonian Journalists reported that there had been approximately 40 cases of physical attacks against or intimidation of journalists since 1999. On September 15 (Election Day), a group of allegedly VMRO-DPMNE-backed persons seized a camera from a cameraman and beat him in front of a polling station in the Ohrid-area village of Kosel. Shortly before the elections, four "Lions" beat and hospitalized Radio Tumba announcer Zoran Bozhinovski. He had been critical of Customs director Dragan Daravelski. "Lions" member Goran Trajkovski was found guilty and sentenced to 1 year in prison. Following Bozhinovski's hospitalization, approximately 150 journalists staged a protest in front of Parliament and the Ministry of Interior chanting the slogan "Here we are, beat us!"

In September unknown gunmen attacked the printing facility of a news magazine, Global, in Mala Recica. Shortly afterward, unidentified perpetrators destroyed the vehicle of Global's co-owner and Start owner Ljupco Palevski. On July 16, an A1 reporter, Mare Stoilova, was attacked while reporting on the funeral of Alberto Stojcev, the victim of a fight between the "Tigers" special police unit and local youths (see Section 1.a.). Two of the alleged perpetrators were detained for 30 days, but were not sentenced. The Vinica Court was not forthcoming in providing information or confirmation of charges being filed.

The Government did not restrict academic freedom. The FWA called for enhanced access to higher education in their own language for ethnic Albanians, and the private Southeast European University in Tetovo provided some Albanian language instruction, although its principal language was English (see Section 5). Some ethnic Albanians continued to demand that the Government accredit the inadequate and illegal Tetovo University.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

Advance notification to authorities of large public meetings was optional. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior, and may only be convened by registered religious groups (see Section 2.c.).

Political parties and organizations are required to register with a court. More than 70 political parties were registered, including parties of Albanians, Turks, Serbs, and Roma. Former Minister of Interior Boskovski attempted to intimidate the political opposition. However, he did not prohibit any parties from registering.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship and parochial schools. The Constitution (as modified in 2001 as agreed in the FWA) specifically mentions several religious denominations and faiths, including the Macedonian Orthodox Church, the Methodist church, Islam, and Judaism. None of these religious communities had official status or privileges. However, during the year a 76-meter cross was placed on Mount Vodno overlooking the city, dedicated by the Orthodox church, and supported with public funds.

The Government requires that religious groups be registered. In practice religious groups needed to register to obtain permits to build churches and to request visas for foreigners and other permits from the Government.

The Law on Religious Communities and Religious Groups places some restrictions on the establishment of places of worship. Provision is made for holding services in other places, not included in the law, provided that a permit is obtained at least 15 days in advance. No permit or permission is required to perform religious rites in a private home. The law also states that religious activities “shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights” of persons who are not members of that particular religion. The Government did not actively enforce most of these provisions of the law but acted upon complaints when they were received. Several registered Protestant groups have been unable to obtain building permits for new church facilities due to bureaucratic complications that affected all new construction. Churches and mosques often were built without the appropriate building permits. The Government has not taken any actions against religious buildings that lack proper construction permits.

The Law on Religious Communities and Religious Groups also requires that foreigners carrying out religious work and religious rites be registered with the Government’s Commission on Relations with the Religious Communities.

A 1995 law specifies that primary school children must be taught in the Macedonian language, and may not be taught by foreigners, even if the children themselves are foreigners and do not speak Macedonian. Further, foreigners are not permitted to operate educational institutions, manage classrooms, or give grades to non-citizens. In September authorities moved to shut down the Timothy Academy, an evangelical Christian academy operated by foreigners for foreign children. At year’s end, the new government granted work visas to the school’s employees and was working to legalize the status of the school.

Some progress was made in restitution of previously state-owned religious property. Many churches and mosques had extensive grounds or other properties that were expropriated by the Socialist government of Yugoslavia. Virtually all churches and mosques have been returned to the appropriate religious community, but that was not the case for many of the other properties. Often the claims were complicated by the fact that the seized properties have changed hands many times or have been developed. On August 28, the Ministry of Finance and the Jewish community reached a settlement on the restitution of Jewish communal property. The Ministry of Finance agreed to return to the Jewish Community three buildings in Bitola, one piece of real estate in Skopje, and bonds valued at approximately \$2.76 million (165 million denars).

There were no reports of destruction of places of worship during the year. However, many places were not fully intact as a result of the 2001 conflict. In December two churches in the villages of Setole and Otunje, that had already been looted in 2001, were vandalized. On August 15, a Sunni Muslim group illegally established an ongoing, armed presence in a Bektashi religious facility, the Arabati Baba Tekke in Tetovo, home to a small, active Bektashi Islamic community, and asserted a claim to ownership of the facility and a hotel and two restaurants on the property’s grounds. The occupying group may have received the tacit support of the governing VMRO-DPMNE and DPA; the owner of the restaurants and hotel was reputed to be an SDSM supporter. At year’s end, the ongoing ownership dispute between the

Bektashi religious sect and the Islamic community over the Bektashi religious facility remained unresolved. Although armed interlopers had left by year's end under international community pressure, fundamentalist Islamic leaders still held services on the Tekke grounds five times per day.

There were ethnic Macedonian Muslim and Bosnian Muslim minorities in the country. Some ethnic Macedonian Muslims contended that the state sometimes confused them with ethnic Albanians and ethnic Turks because of Muslim surnames and mixed marriages and, in some instances, assigning their children to Albanian language classes.

No further progress has been made in investigating 2001 attacks on Muslim places of worship, including the June 2001 attack on the Bitola mosque and the August 2001 burning of the Prilep mosque.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Return of police and the presence of OSCE monitors and NATO TFF soldiers facilitated citizens' ability to move within the former conflict areas. Parliamentary passage of the Amnesty Law made it possible for former NLA combatants to leave former conflict areas without fear of long-term imprisonment, and therefore reduced former combatants' resistance to allowing police returns. In addition, UNHCR provided a strengthened field presence and bus services for returnees and IDPs in the conflict-affected areas to facilitate the passage of checkpoints. Most areas that were closed to the public due to military activities or sensitivities during 2001 have since been reopened. By year's end, the Ministry of Defense had removed the great majority of security checkpoints. According to NATO, of 130 military checkpoints deployed in January in the former crisis area, only 25 existed at year's end. Police in former crisis areas gradually resumed policing duties. Nearly all villages in the former crisis region had created village police liaison commissions involved in encouraging citizens to accept police authority. Nonetheless, there were occasional reports of the army or police detaining people arbitrarily at roadblocks during the year.

At the height of the country's internal conflict, the UNHCR estimated that approximately 170,000 persons, approximately eight percent of the population, were displaced from their homes. During the year, a majority of these IDPs and refugees returned to their homes. However, many persons did not return because their houses were badly damaged or entirely destroyed. The UNHCR and foreign governments led efforts to rehabilitate homes that suffered minor damage. The European Agency for Reconstruction continued to rebuild badly damaged homes. As of October, approximately 5,600 homes, of a total of more than 7,000 destroyed or damaged homes, had been rehabilitated or rebuilt. Other persons did not return to their homes in ethnically mixed locales because they felt uncomfortable, and in some cases, unsafe. At year's end, the UNHCR and the Macedonian Red Cross (MRC) estimated that the number of IDPs had decreased to approximately 9,442 persons totaling 2,115 families. According to the UNHCR, approximately 3,000 refugees had not returned from Kosovo.

Persons holding a government photo identification card—or children with a birth certificate traveling with parents with photo identification—were able to enter the country. For adults with no photo identification, there was a verification process facilitated by the UNHCR with the Ministry of Interior. The UNHCR noted that this practice was at its height when ethnic Albanian refugees returned to Macedonia from Kosovo.

With the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence in Macedonia could acquire citizenship by simple application. However, unresolved citizenship status of long-term habitual residents remained an ongoing problem. Many former Yugoslav citizens were unable to acquire Macedonian citizenship. Ten years after the provisions of the Citizenship Act of 1992, they remained without effective citizenship, often without valid identity documents. As a result, they lacked most civil, political, economic, and social rights, including the right to work, as well as the right to social welfare assistance, social protection services, unemployment registration, and access to health insurance. The state regarded them as aliens, either legal or illegal. Further, children born in the country to parents with unresolved citizenship status inherited the problem. Although these children were permitted to attend school, UNICEF and NGOs reported that these children were not graded or given certificates of completion.

Since 1999 UNHCR and the Council of Europe have helped to prepare and have pushed for passage of amendments to a bill on citizenship which would lower the residency requirement for aliens to 10 years, and make other changes in accordance

with international and European standards. This was scheduled to be amended during the year, but was delayed. Approximately 2,000 persons apply for citizenship each year.

In February the Government ratified the European Convention on Nationality, thus providing the groundwork for preventing future cases of statelessness. The 1992 Law on Citizenship does not provide any privileges to refugees or stateless persons; however, the pending legislation recognizes refugees and stateless persons as eligible to apply for citizenship after 8 registered years of residency, provided they meet the other necessary requirements.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government has not yet passed an asylum law. A draft law on asylum that was compatible with the Geneva Convention and international standards was prepared in collaboration with the UNHCR and was awaiting submission to the Parliament. Refugee status determination was governed by the 1992 Law on Movement and Residence of Aliens. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees, and made a notable effort to accommodate more than 300,000 Kosovar refugees in 1999. The total number of remaining refugees from Kosovo, almost all of whom are Roma, was 2,724 by year's end. These refugees benefited from a limited temporary humanitarian protection status that did not provide for self-reliance or local integration rights. There were 1,325 refugees sheltered with host families and 1,399 refugees sheltered in two collective centers located in Shuto Orizari and Katlanovo, near Skopje. The Government provided first asylum.

There were no reports of persons being returned to a country where they feared persecution during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other ministers may not be Members of Parliament. The President, who is head of state, Chairman of the Security Council, and commander-in-chief of the armed forces, nominates a mandator, who often subsequently becomes the Prime Minister, to constitute the Government. The winning coalition's nomination for Prime Minister must be approved by Parliament.

On August 13, 2001, domestic political parties signed the FWA with international facilitation by the U.S. and the EU. Officials estimated that approximately 100 laws would be affected by the FWA to some extent, 80 of which are specific to decentralization and local self-governance. By year's end, the Parliament had started implementing FWA-mandated legislative actions (including amendment of the Constitution), which provided for enhanced minority civil rights and devolution of power to local governments. The platform and laws deal with issues such as Albanian language usage in Parliament, local government, and higher education; equitable access to media; reform of police and inclusion of more minorities in the police and other state institutions; and the return of police, refugees, and IDPs to the former conflict areas. Government officials estimated that the process will be completed before the next local elections in 2004.

Opposition parties won a decisive victory in the September 15 national parliamentary elections, which were free, fair, and peaceful, with a turnout of 73 percent of the population. The technical conduct of the elections, under the leadership of State Election Commission President Mirjana Lazarova-Trajkovska, and with international assistance, met international standards. The OSCE led an international monitoring effort that involved almost 1,000 observers. The mostly ethnic Macedonian "For Macedonia Together" coalition (led by the SDSM and LDP) won 60 of 120 parliamentary seats, defeating the governing VMRO-DPMNE party and its pre-election coalition partner, the Liberal Party, which together obtained 33 seats. The Macedonian Socialist Party won one seat. Among ethnic Albanian political parties, the DUI, led by former NLA commander Ali Ahmeti, won 16 seats. The ethnic Albanian DPA won seven, the PDP two, and the NDP one.

Of the few, isolated electoral irregularities, the most serious occurred in Lesok, where "Lions" entered a polling place brandishing weapons, beat the local electoral board president, and stole the ballot boxes. Elections were rerun in Lesok 2 weeks later. The rerun was peaceful and did not change the outcome of the elections.

On October 31, Parliament voted in a new government composed of the SDSM, LDP, and DUI. SDSM President and former Prime Minister Branko Crvenkovski was confirmed as Prime Minister; the SDSM also heads the Ministries of Defense, Foreign Affairs, Interior, Local government, Culture, Economy, and Environment. The LDP heads the Ministries of Finance, Labor, and Social Welfare, and Agriculture, and has one Minister Without Portfolio. The DUI heads the Ministries of Justice, Transport and Communication, Education, and Health. One of three Deputy Prime Minister positions was allocated to each of the three parties.

Prior to the September 15 national elections, the ruling VMRO-DPMNE-led government tried to influence the outcome through intimidation of opposition supporters and journalists. During the campaign, there were incidents of intimidation of political candidates and supporters. A local SDSM party leader had a molotov cocktail thrown through his office window. VMRO city bosses threatened to fire municipal employees who voted for the rival SDSM. Local police were used to harass opposition supporters. Prior to the elections, Former Minister of the Interior Boskovski attempted to manipulate the voters list by registering 3,200 ethnic Macedonians who live in Albania (and had recently been issued passports by Boskovski) as "residents" of the headquarters of the Ministry of Interior. Following the conclusion of the elections, VMRO-DPMNE tried to cast doubt on their validity. Former Minister of Interior Boskovski and approximately 10 senior police officers attempted to intimidate the State Election Commission (SEC) President on the night of September 18 in order to prevent her from announcing the election results within the legally mandated 72 hours. Boskovski continued to publicly make claims of forgery and fraud, which were unsubstantiated by international election observers. He also sent police—with a falsified warrant—to raid the ballot printing plant in Prilep on the evening of September 17. Boskovski alleged that hundreds of thousands of additional ballots had been clandestinely printed and fraudulently used. However, his party, the VMRO-DPMNE, had been among those that had previously agreed to destroy the ballots prior to the elections due to a printing error.

On September 9, members of the "Lions" paramilitary unit disrupted an opposition campaign rally in Prilep with gunfire. No one was injured. Prior to the rally, some of the "Lions" and other VMRO-DPMNE supporters tried to block opposition leaders' entrance into Prilep by blocking access roads.

A national census, specifically called for in the Framework Agreement, was carried out in November with EU assistance and oversight. The census enumeration, which met international standards, was accepted by all significant local groups. However, an ethnic breakdown and final results were still pending at year's end. It was decided that broad acceptance of documentation to indicate residence would be accepted as valid identification; sufficient numbers of minority enumerators were hired; and several languages were used on census forms. In accordance with international standards, Macedonian citizens abroad longer than one year were not counted.

The first round of balloting in the presidential election was held in October 1999; there were six candidates on the ballot, representing every major political party, including both ethnic-Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the two candidates who received the most votes advanced to the second round. The ruling VMRO-DPMNE candidate, Boris Trajkovski, gained the majority of the votes cast in the second round in November 1999, but the opposition SDSM candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country during the second round, and the Supreme Court ruled that the second round should be rerun at 230 predominantly ethnic Albanian polling places. International observers again reported numerous incidents of ballot stuffing and other problems during the December 2001 rerun elections. Claiming that the Government was incapable of conducting a fair vote in the contested areas, the SDSM did not press for another repeat of the voting. President Trajkovski was sworn into office in December 1999.

There were 16 women in the 120-seat Parliament elected September 15, representing an increase from the 9 female members of the previous Parliament. Of the 16, 15 were ethnic Macedonians and 1 was an ethnic Albanian (the first ever). In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family/proxy voting through which male family members voted on their behalf (see Section 5). Of the new government installed October 31, 2 of 17 ministers were women.

A number of political parties represented the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Four ethnic Albanian parties and a Roma party had members in Parliament; the ruling government coalition included one of the three major ethnic Albanian parties, as well as the Roma party,

a Bosniak party, a Serb party, and a Turk party. The Parliament included 26 ethnic-Albanian members, 1 Macedonian Muslim, 1 Roma, 2 Turks, and 2 Bosniaks.

Some ethnic Albanians and Roma reported that discrimination against them in citizenship decisions effectively disenfranchised them (*see* Section 2.d.).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of international and domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Reporting by local NGOs on human rights abuses committed during the 2001 conflict was limited and at times one-sided. However, instances of accurate and fair reporting on the conflict increased during the year. Government officials were not always responsive to the views of human rights groups.

There were more than 4,000 registered NGOs, including the MRC, EURO Balkan, FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and many local NGOs devoted to specific purposes, including Roma rights, human trafficking, and voters' rights.

OSCE and EU monitoring missions continued to assist with implementation of the Framework Agreement and work on restoring confidence between ethnic Macedonians and Albanians. NATO's Task Force Fox (TFF) provided security to international confidence building and police monitors. TFF ended its 15-month mission in the country on December 15. Under TFF's guardianship, 93 percent of displaced persons returned to their homes, and police returned to 100 percent of the conflict areas from which they had been expelled. TFF also provided security for the September 15 elections and subsequent government transition. At year's end, TFF had been replaced by a new and smaller NATO operation, "Allied Harmony," but had not yet been replaced by an EU force.

The OSCE led international community efforts to engage the Government on human rights issues. Both the 2001 insurgency and the 1999 Kosovo crisis led many international NGOs to establish new offices in the country; many of these organizations have a strong interest in human rights issues.

On October 25, a trial chamber of the ICTY upheld a May assertion of primacy by the ICTY prosecutor in five alleged war crimes cases. The judiciary signaled its willingness to comply with the instruction to suspend any domestic proceedings dealing with the five cases, but rejected the ICTY prosecutor's request that it also yield primacy over any future war crimes cases to the ICTY. Prior to the trial chamber decision, the judiciary cooperated with ICTY in allowing it to monitor its investigations at Ljuboten and Neprsteno of alleged war crimes. In late November, Skopje's Second Court turned primacy over to the ICTY in four of five potential cases related to the 2001 insurgency. In November the Tetovo court turned primacy in the other case over to the ICTY. Despite an instruction from the ICTY prosecutor to release them, Shkodran Idrizi and Fadilj Ferati, detained as suspects in the Mavrovo Road Workers torture and sexual abuse case, remained in custody until December, when they were released by Skopje's Second Court (*see* Section 1.d.).

The Office of the Ombudsman, established in 1997, processed approximately 2,000 complaints during the year, doubling the caseload from 2001. It received and responded to a disproportionate number of requests from ethnic Macedonians, as compared with those from minorities. In 2000 for the first time, the Ombudsman's office presented the Parliament with a list of its recommendations that had not been accepted or implemented by state bodies. The Parliament responded by passing a resolution ordering the state administration to implement these recommendations; however, little was done to enforce this resolution. The FWA calls upon the Government to substantially strengthen the powers of the Ombudsman. The Ombudsman is to be granted access to all official documents, the power to suspend execution of an administrative act if he determines that the act may be prejudicial to an individual's fundamental rights, and the right to challenge the constitutionality of laws. In March former Canadian Ombudsman Aleck Trawick provided technical expertise to the Ombudsman's Office. In June a comprehensive draft of the Ombudsman Law was proposed; however, implementation of these provisions had not begun by year's end.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political beliefs, property, or social status. The FWA states that "The principle of nondiscrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development." However, societal

discrimination against ethnic minorities persisted, and the protection of women's rights remained a problem.

Women.—Domestic and other violence against women was a persistent and common problem. Legal recourse was available to rape victims, including victims of marital rape. However, cultural norms discouraged the reporting of such violence, and criminal charges on the grounds of domestic violence were very rare. Public concern about violence against women was not evident in the media, although some women's groups were working to raise awareness of the issue. NGOs operated shelters for victims of spousal abuse. A hot line remained open but had limited hours. The Government offered some limited support for victims of domestic violence, but relied heavily on international donor support to maintain a hot line and shelter.

According to some surveys, one out of every fourth woman in the country was a victim of domestic violence, either physical or psychological. The criminal codes did not contain articles that relate to family violence, nor did they actively hold familial perpetrators responsible for abuse. Victims of family violence were often reluctant to bring charges against perpetrators because of the shame this would inflict on the family.

Trafficking in women and girls for prostitution and pornography was a problem (see Section 6.f.).

Sexual harassment of women in the workplace was a problem. The Constitution extends the same legal rights to women as to men; however, society in both the Muslim and Christian communities was patriarchal and the advancement of women into nontraditional roles was limited. Women remained underrepresented in the higher levels of the Government and private sectors, although some professional women were prominent, and a law enacted in 2001 stipulated that women comprise a minimum of 30 percent of each political party's list of candidates for the September 15 parliamentary elections. As a result, the new Parliament had the highest number of women M.P.s in the country's history, including the first ethnic Albanian woman to gain a seat. Women from some parts of the ethnic Albanian community did not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society and schools. In some ethnic Albanian communities, some women were disenfranchised due to the practice of family/proxy voting through which men vote on behalf of women family members (see Section 3).

Maternity benefits included 9 months' paid leave, and benefits were fully respected in state organizations in practice. Women also retain the right to return to their jobs for 2 years after giving birth. However, some private firms and organizations have placed restrictions on maternity benefits.

Women's advocacy groups included the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

Children.—The Government was committed to the rights and welfare of children; however, it was limited significantly by resource constraints. President Trajkovski participated in the U.N. Special Session on Children in New York from May 8 to 10. The Office of the Ombudsman contained a special unit for children, partially funded by UNICEF. Education was mandatory through the eighth grade, or to the age of 15 or 16. However, some children did not enter the education system at all. The Ministry of Education quoted 95 percent enrollment, but no other official data was available on children's school attendance, or the number of children who did not have access to education. Primary and secondary education is free, although students must provide their own books and other materials. Public transportation was subsidized for students. Almost 90 percent of the children that have finished primary school continued on to secondary school. At both the primary and secondary levels, girls in some ethnic-Albanian communities remained underrepresented in schools, and only approximately half of ethnic minority students go to high school. This was due in part to lack of available classes in minority languages at the secondary level, and in part to many rural, ethnic Albanian families' conviction that girls should be withdrawn from school at 14 years of age. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. The Ministry of Education encouraged ethnic-minority students, particularly girls, to enroll in secondary schools. Medical care for children was adequate but was hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

In September approximately 200 ethnic Albanian students boycotted school for several weeks to protest perceived inequities in school facilities for ethnic minorities versus ethnic Macedonians.

Since October approximately 200 ethnic Macedonian students boycotted classes at two public schools in the former crisis region, those at Tearce and Semsevo, because former NLA combatants placed a memorial to a fallen fighter in front of the ethnically mixed schools. Despite continued international community pressure to remove the memorials, they remained with the complicity of local ethnic Albanian leaders. The Semsevo school also was illegally renamed for an ethnic Albanian teacher. In December there was an agreed compromise between the Government and the local community to rename the school after the village. However, at year's end, the bust of the teacher, Jumni Jonuzi, remained in the schoolyard. On December 16, the ethnic Macedonian students of six Tetovar villages began temporarily attending classes in the Siricino Regional school.

In June 2001, several high school students at Negotino high school were beaten in an incident involving the school's principal. The school board had attempted to remove the principal from her position based on Article 93 of the law on secondary education; however, the Education and Science Minister did not formally dismiss her. In response, students and teachers within the high school organized a strike. The six teachers who participated in the strike were dismissed from their positions and replaced, but students continued their protest. The principal's brother and associates assaulted the protesting students. The local chapter of the Helsinki Committee for Human Rights found that this situation violated Article 3 and Article 29 in the Convention of the Rights of the Child. The Helsinki Committee cited the students as victims of the politicized atmosphere in the school and improper administration of the school. In addition, the Education and Science Minister failed to support the school board and discipline the school principal. Prosecutors filed charges against the students' attackers. The case had not been resolved at year's end.

In 1999 the Ombudsman's Office for Children was established and empowered to investigate complaints about violations of children's rights. New legislation addressing shortfalls in the juvenile justice system and reforming the existing law to meet international standards was put forward for government review in December 2001, but was pending at year's end. Additional planned reforms to the Law on Pensions and Health Protection, aimed at addressing child labor, also remained pending at year's end.

There was no societal pattern of abuse against children, although the social service's instruments for collecting and analyzing data in this field remained underdeveloped.

Trafficking in girls for prostitution and pornography remained a growing problem (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination on the basis of disability; however, in practice this provision was not enforced. Social programs to meet the needs of persons with disabilities existed to the extent that government resources allowed. No laws or regulations mandate accessibility to buildings for persons with disabilities. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The population of approximately 2.04 million was composed primarily of ethnic Macedonians, with a large ethnic Albanian minority, and with much smaller numbers of Turks, Roma, Serbs, Vlachs and others. According to the last census in 1994, ethnic Albanians comprised approximately 23 percent of the population, but ethnic Albanians claimed that they comprised close to one-third of the population. Due to the high number of displaced persons and refugees and a lack of preparation, ethnic Macedonian and ethnic Albanian leaders agreed to postpone a new national census—originally scheduled for January—until November. Although the overall ethnic breakdown was still pending at year's end, the census enumeration was accepted by all local ethnic groups, was timely, was completed without violence, and met international standards (see Section 3).

Inter-ethnic fights and beatings remained commonplace in the country's public schools, and there was an escalation of such violence during the year. In September and October, several ethnic Albanian students were abducted and tortured in Skopje. An October students' protest in Skopje of the killing of an ethnic Macedonian student in Tetovo turned violent. The students beat at least four ethnic Albanians, and vandalized several automobiles. Six students were arrested and the case was pending at year's end. In October a group of ethnic Albanians in Tetovo shot three young male ethnic Macedonians, killing one. Police were still investigating the incident at year's end. This was possibly in retaliation for the police killing of an ethnic Albanian the previous day (see Section 1.a.).

During the year, police received 51 reports of vandalized homes in the ethnic Macedonian villages of Jedoarce, Otunje, and Setole. The ethnic Albanian perpetrators

had not been apprehended by year's end. Also during the year, nine houses in the ethnic Macedonian mountain village of Brezno were reportedly vandalized.

All citizens are equal under the law, and the Constitution provides for enhanced protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school. The FWA reaffirms these rights and mandates several explicit rights related to use of minority languages, including access for ethnic Albanians to state-funded higher education in their language. However, ethnic tensions and prejudices remained problems and some governmental institutions, particularly the police, discriminated on the basis of ethnicity. Implementation of the Framework Agreement mandated legal changes was slow, and ethnic Albanians and Roma, particularly, continued to complain of widespread discrimination.

Underrepresentation of ethnic Albanians in the military and police was a major grievance in the ethnic Albanian community, but during the year authorities actively began to address the problem with the assistance of the international community. The police force remained overwhelmingly ethnic Macedonian, but progress was made in assigning ethnically mixed patrols to predominantly ethnic Albanian areas. Ethnic Albanians constituted approximately 3.8 percent of the national police force, while ethnic Macedonians constituted 91.9 percent. The Government for several years had set a recruiting quota of 22 percent for enrolling minority students at the police secondary school, but attrition detracted from the anticipated progress. To raise the percentage of ethnic-minority police officers, the FWA called on the international community to train 1,000 new ethnic-minority police officers by July 2003, and for the Macedonian police to incorporate these new recruits into ethnically diverse units. In September 2001, training of these new police officers by international community trainers began, with later training throughout the year conducted by the OSCE. By year's end, 533 new "non-majority" officers had received ICITAP or OSCE basic training. Of that number, there were 437 ethnic Albanians, 6 Bosnians, 1 Croatian, 4 Macedonian Muslims, 30 Romas, 10 Serbs, 40 Turks, and 5 Vlachs. Ninety-nine ethnic Macedonian officers graduated from the international training as well, for a total of 632. Approximately 16 percent of these graduates were female. However, former Minister of Interior Boskovski refused to pay new mostly ethnic Albanian graduates after they entered the police. Shortly after entering office in October, the new Minister of Interior authorized payment to the new recruits.

The military continued efforts to recruit and retain minority officers and cadets. The military was composed mostly of short-service conscripts, drawn from all ethnic groups, although ethnic Albanians tended to evade obligatory military service at a higher rate than did ethnic Macedonians. The proportion of ethnic minorities in the enlisted ranks was estimated to be approximately 15 percent, but the proportion was significantly lower in the professional officer corps. Minorities constituted approximately 10 percent of the total of officers, noncommissioned officers, and professional soldiers; approximately 15 percent of the cadets at the military academy were from ethnic minorities. Ethnic minorities constituted approximately 12 percent of Ministry of Defense civilian employees. The Ministry of Defense stated its intention of raising the percentage of ethnic Albanians to 22 percent during 2003; however, lower than expected applications and higher than normal attrition rates among minority community recruits have hampered these efforts.

The constitutional amendments mandated by the FWA provide that Albanian is to be recognized as a second, official language in areas in which it is spoken by more than 20 percent of the population. The FWA stipulated that the Albanian language would be used officially in Parliament for the first time in October by M.P.s newly elected in September, with interpretation in the Macedonian language provided for ethnic Macedonians and others. The November census was conducted in Albanian and other minority languages. Progress in implementing other FWA mandated use of minority languages was slow. In such areas where ethnic Albanians comprise more than 20 percent of the population, the FWA called for citizens to be able to communicate with local offices of the central government in Albanian and receive responses in the same language. In addition, Albanian-speaking citizens are supposed to be able to receive personal documents in Albanian, and those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents. A law on bilingual identification cards was passed, but none had been produced by year's end. The Ministry of Interior was still drafting the law on other travel documents at year's end. The FWA stipulates that, "the local authorities will decide democratically on the use of other minority languages in public bodies." Roma leaders continued to push for the right to use Romani language in official settings, although the FWA does not provide for use of minority languages of communities comprising less than 20 percent of the population.

Ethnic Macedonians held approximately 85 percent of civil service posts; ethnic Albanians held approximately 10 percent; and other minorities held approximately 5 percent. Ethnic minorities complained that they were disproportionately assigned to lower-ranking positions. Only late in the year were greater numbers of professional positions within the civil service opened up to ethnic Albanians as required by the FWA, which stipulates hiring within the civil service based on an ethnic group's percentage of the population.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities, and this provision was reaffirmed in the FWA. Primary education was available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education remained a crucial issue for the ethnic-Albanian community; it was seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children received 8 years of education in Albanian-language schools. The number of ethnic minority students who received secondary education in their native languages continued to increase. Ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

At the university level, ethnic minorities remained underrepresented, although there was progress in increasing the number of minority students. There were eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of available places, although the quota has not always been filled. Most university education was conducted in the Macedonian language; until 2001 there was Albanian-language university education only for students at Skopje University's teacher training faculty. The FWA required the state to provide publicly funded higher education to ethnic Albanians in their language. In 2001 the private Southeast Europe University was created with OSCE assistance. Classes were conducted in Albanian, English, and Macedonian. Despite complaints about the private university's relatively high prices, enrollment continued to increase.

Ethnic Turks, who make up approximately four percent of the population, also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the lack of Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home.

There were credible reports of occasional police violence and harassment against Roma. Four police officers beat two ethnic Roma on the outskirts of Stip (*see* Section 1.c.). Roma rights organizations accused the police of reinforcing patterns of discrimination by consistently siding with ethnic Macedonian citizens in disputes involving Roma.

There was some Romani-language broadcasting. There were incidents of societal violence against Roma during the year. Roma had the highest rate of unemployment, the lowest personal and family incomes, were the least educated, and had the highest birth and mortality rates of any ethnic group in the country. The Government provided very little in the way of social services to Roma. According to the 1994 census, Roma comprised 2 percent of the population, but Romani leaders claimed that the actual number of Roma was much higher. Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum.

In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country in response to both the Kosovo conflict and the hostility of ethnic Albanian Kosovars, who widely considered the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. Approximately 2,700 of these Romani refugees remained in the country at year's end. The presence of these Romani refugees was not welcome among Macedonia's ethnic Albanians, who largely shared the view of the ethnic Albanian Kosovars concerning Roma. Ethnic Macedonians also expressed irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. Roma tended to occupy the lowest economic position of society, and the new arrivals have added to the number of Roma in the ranks of the very poor.

The FWA allows ethnic-minority groups to display their national emblems, next to the emblem of the Republic of Macedonia, on local public buildings in municipalities in which they are a local majority.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form trade unions. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed, although there

was still a national trade union. The Confederation of Trade Unions of Macedonia (SSM) was the successor organization to the former Socialist labor confederation; it was the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. The Confederation reportedly was independent of the Government and committed to the interests of the workers it represents. More than 50 percent of the legal workforce are unionized, and unions were particularly strong in the garment industry. Trade unions were widespread. The SSM encompassed approximately 14 separate unions organized according to the industry sectors. It has become an interest-based autonomous labor organization. Membership was voluntary and activities were financed entirely by membership fees. Fee-paying members comprised almost 75 percent of all the employed labor force. In recent years, there have been several newly formed unions, including journalists, policemen, and farmers.

The law prohibits antiunion discrimination; however, it existed in practice. Workers at times were fired for participating in union activities, and because of the slow pace of the court system, it at times took 2 to 3 years to legally regain employment.

Unions may affiliate freely with international labor unions and many did so.

b. The Right to Organize and Bargain Collectively.—The Constitution implicitly recognizes employees' right to bargain collectively; however, implementing legislation in this area had not been passed at year's end, and the concept of collective bargaining remained in its infancy. Collective bargaining took place, but in the country's weak economic environment employees had very little practical leverage. Collective agreements were negotiated among the unions and the Ministry of Labor and Social Welfare.

The Constitution provides the right to strike. In March the new president of the SSM was elected and unions organized several strikes. In May employees staged a weeklong strike against the public administration to demand minimum wage; the Government agreed to set the minimum monthly salary for State Administration employees at \$84.33 (5,060 denars). During the year, there were frequent work stoppages at many companies. The reasons for the strikes included demands for overdue pay; demands for unpaid contributions for health and retirement; objections to government changes in management personnel at some state-owned entities; and objection to various decisions related to privatization. With a few exceptions (including Nova Makedonija employees blocking roads, the Makedonija Tabak strike turning violent, student strikes that turned violent, and large strikes with 8,000 participants), strikes were small, non-violent, and confined to company grounds.

Members of the police and military are prohibited from striking, but on at least one occasion during the year, police threatened to strike as a bargaining tool with the outgoing government over salary increases, and military pilots also conducted a walk-out to protest government non-payment of salaries.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that child labor was used in the "gray economy" and in illegal small businesses (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution sets the minimum age for employment at 15 years, and 17 for work considered hazardous. According to the Law on the Family, a minor (under age 18) under guardianship who is at least 15 does not need the guardian's approval to work and is free to use his/her own salary. Working minors were placed under special protection of the law, which declares that minors may not be employed in work that is detrimental to their health and morality. The Law on Employment also establishes special protection for minors, women, and workers with disabilities. There were no studies or official data on the employment of children under 15, but reported violations of child labor laws increased during the year, and child labor was used in the "gray economy" (including begging on the streets and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night) and in illegal small businesses. Such violations received only token punishment, if any, and thus children remained vulnerable to exploitation. Children legally may not work nights or more than 40 hours per week. The Ministry of Labor and Social Welfare was responsible for enforcing laws regulating the employment of children.

In January the Government ratified ILO Convention 182 on the worst forms of child labor. In April 2001, Macedonia signed four conventions of the Council of Europe to protect children. These four conventions had not yet been ratified by Parliament at year's end.

Efforts to eliminate child labor abuse have been largely ineffective, with reported violations of child labor laws increasing over the years. While the necessary legal

infrastructure was in place, there has been little practical implementation of the policy and laws and not much was done to raise public awareness on child labor abuse. The NGO sector was active in organizing workshops on children's rights. There were some programs and projects intended to prevent children from engaging in child labor, such as the Project for Children on the Streets, which organized shelters for abandoned children, and the Ministry of Interior's opening of the Transition Center for women and children involved in prostitution.

e. Acceptable Conditions of Work.—By the end of September, the average monthly wage was approximately \$186 (11,160 denars). The minimum wage is set differently across sectors; the average monthly net wage in September exceeded the value of the consumers' average monthly supply of food for a family of four by 14 percent. Therefore, the average wage did not provide a decent standard of living for workers and their families. However, many persons took on supplemental work, often in the "gray market." The Government Statistics Office estimated that 22.3 percent of the population lived below the poverty line.

The country has an official 40-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. According to labor regulations, an employee is entitled to 18 to 26 days of paid vacation, not including weekends. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that did not comply with the law. Small retail businesses in particular often required employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although there are laws and regulations on worker safety, they were not enforced strictly. The Ministry of Labor and Social Welfare was responsible for enforcing regulations pertaining to working conditions. Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled to leave the dangerous situation without losing their jobs. Employers did not always respect this right in practice.

f. Trafficking in Persons.—A new antitrafficking law that went into effect on January 25 criminalizes trafficking in persons and actions associated with trafficking in persons; however, trafficking of women and girls for the purposes of prostitution and pornography remained a problem. According to the Center for Interethnic Tolerance and Refugees, in some isolated instances police were complicit in the trafficking of persons.

Trafficking in persons for the purpose of illegal immigration is not specifically prohibited by the new law but is covered by other immigration regulations. Under the new trafficking law, traffickers are penalized with a minimum of 4 years' imprisonment for most trafficking crimes. A minimum of 6 months' sentence is mandated for the destruction of identification papers of a trafficked person. The same minimum sentence is also mandated for convicts who wittingly used or enabled another person to use sexual services from a trafficked person. Greater penalties were mandated for those who trafficked children.

During the year, charges were brought in at least three cases under the new law. On February 12, police arrested an additional 3 traffickers in the Kumanovo area. The raids led to the rescue of six women. On May 20, the first conviction of four men accused of trafficking in women and children took place. In mid-November, the Kumanovo Court sentenced another trafficker to three years in prison for trafficking women. On December 5, the Ministry of Interior filed criminal trafficking charges against a trafficker from Gostivar and another from Bulgaria. On December 27, Macedonian law enforcement officials conducted raids at bars in Skopje, Ohrid, and Velesta (a town near Struga associated with trafficking), where there was a reasonable suspicion that trafficked women were being held. Preliminary reports indicated that 46 foreign females were detained or arrested and some deported.

In December the Interior Ministry signed a statement of commitment to legalize the status of trafficked persons that promoted a shift from an exclusive arrest-oriented approach to a victim-centered approach. The Government devoted resources to anti-trafficking programs, including an interministerial working group devoted to legal reform, a special police unit dedicated to antitrafficking efforts, and the maintenance of a shelter for victims. The Interior Ministry's Department of Organized Crime had the lead on anti-trafficking efforts and devoted two persons to the issue full-time. The Government routinely cooperated with neighboring governments and international organizations in trafficking cases.

The Ministry of Interior estimated that there were between 500 and 2,000 victims of trafficking in Macedonia at any given time, and that between 8,000 and 18,000 women and girls were trafficked to or through the country per year. Although re-

portedly the country was a transit country and a destination country for trafficked persons, officials have acknowledged that a small number of citizens have been victimized. Some noted that the country had become a destination and cited the influx of personnel and money with foreign/military forces as a major factor. Traffickers recruited or abducted women from other countries, especially Moldova, Romania, and Ukraine, and to a lesser extent, Kosovo and Croatia, to work as prostitutes in several Macedonian towns and to be trafficked through the country on their way to Albania and Kosovo, and then to Italy and other West European countries. Victims were recruited through promises of gainful employment abroad. Many victims were not aware that they were being trafficked. Trafficked women and girls were frequently forced to work in brothels and nightclubs. They were often subjected to violence, including rape, assault, and intimidation.

According to the Center for Interethnic Tolerance and Refugees, police in isolated cases were complicit in trafficking crimes. Instances of corruption and involvement of police in trafficking in persons occurred on the local level. In accordance with the new law, victims rescued from their traffickers by police were no longer immediately deported, but granted an extended stay in the country. Victims were encouraged to provide information about their traffickers for criminal prosecution, and there is a provision for the protection of witnesses. Foreign women arrested for prostitution were usually fined and deported. Police insensitivity was a problem, but sensitivity training for police was slowly changing attitudes. In November the Stability Pact Task Force on Trafficking in Human Beings developed a training curriculum to raise police sensitivity. The Government did not provide funding to NGOs to support victims' services. Most services were provided by the International Organization for Migration (IOM). The Government cooperated with IOM to provide shelter and medical and psychological assistance to trafficked women. Public awareness of the problem was low but was increasing by year's end. As a result of IOM's work, and other international assistance, there was growing engagement of civil society and a referral system and hotline were established.

MALTA

Malta is a constitutional republic and a parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The appointed commissioner who commands the police was under the effective supervision of the Government and may be either a civilian or career member of the force.

The economy was a mixture of state-owned and private industry, with tourism and light manufacturing the largest sectors. It provided residents with a moderate to high standard of living. The country had a population of 393,447 in 2001.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Violence against women remained a problem, and societal discrimination against women persisted; however, the Government took steps to address both issues. Malta was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Male prisoners were held separately from female prisoners, juvenile offenders were held separately from adult criminals, and pretrial detainees were held separately from convicted prisoners.

The Government permits visits by independent human rights observers; however, there were no reported prison visits during the year. In May 2001, the European Committee for the Prevention of Torture visited the country's main detention facilities. The Committee released a positive report in August.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or file charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial were granted access to counsel. Bail normally was granted. Detention cells, which recently were extensively refurbished and upgraded, were in use at police headquarters.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

In August the Chief Justice and a second judge resigned their judicial position due to bribery allegations made against them involving a prison sentence appeal. As of year's end, criminal corruption charges were outstanding against both officials, and trials were scheduled for 2003.

The President, on the advice of the Prime Minister, appoints the Chief Justice and 16 judges. Judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil Court, court of magistrates, special tribunals, and the criminal court, respectively.

The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,360 (2,179 euros) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution provides for the right to a fair public trial before an impartial court, and an independent judiciary enforces this right. Defendants had the right to counsel of their choice or, if they could not pay the cost, to court-appointed counsel at public expense. Defendants enjoyed a presumption of innocence, may confront witnesses, present evidence, and had the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; violations were subject to effective legal sanctions. Police officers with the rank of inspector and above were allowed to issue search warrants based on reasonable grounds for suspicion of wrongdoing. Under the law, special powers such as telephone tapping are available to the security services only under specific written authorization of the Minister for Home Affairs or the Prime Minister; such actions were permitted only in cases related to national security, including combating organized crime. A special commission and security committee examined these authorizations; the Prime Minister, the Leader of the Opposition, and the Ministers for Home and Foreign Affairs sat on this committee and oversaw the service's work.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the law bans foreign participation in local politics during the period leading up to elections, although this provision rarely was used. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

Diverse views were expressed in four daily newspapers, and 10 weekly newspapers, including 6 Sunday editions. A total of 6 television stations, a commercial cable network, and 19 radio stations functioned freely. Internet access was available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes Roman Catholicism as the State religion. The Government and the Catholic Church participated in a foundation that finances Catholic schools. While religious instruction in Catholicism was available in all state

schools, the Constitution established the right not to receive this instruction if the student (or guardian, in the case of a minor) objects.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. In 2001 the Government rescinded a court order prohibiting the departure from the country of anyone who was the subject of a formal complaint that alleged non-fulfillment of a legal obligation, such as the non-payment of a debt or nonsupport of an estranged spouse.

The Refugee Act of 2000 provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). The law provides for refugee status, access to free social services and education,

residence permits, and travel documents. Work permits for refugees were issued on a case-by-case basis. A 2001 law expanded due process and the protection available to refugees applying for asylum and established a refugee commission and an appeals board to review asylum applications.

The Government provides for first asylum.

During the year, the refugee commission received 194 applications for refugee status. It approved 9 of these and refused 176. Seven remained pending, and two were withdrawn at year's end. Of the 176 refused cases there were 60 persons, including 22 children, who were offered temporary humanitarian protection because of difficulties in returning to their homeland.

There were no reports of the forced return of any persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There were 6 women in the 65-seat House of; one held ministerial rank in the 14-member Cabinet. There were four women in the Magistrates' Court. The Government has taken steps to include more women in the civil service and other government positions, and 8 to 10 percent of senior government officials were female; 11 women were serving as chairpersons on appointed government boards at year's end. In July the Government appointed its first woman Ambassador; she serves as diplomatic envoy to Spain.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex. Alleged victims of job discrimination were allowed to apply directly for redress to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

Women.—Domestic violence against women was a problem. Between January and July, the Police Domestic Violence Unit received 113 reports of domestic violence, compared with 185 reports in 2001. A special police unit and several voluntary organizations provided support to victims of domestic violence. There was a hotline to assist victims of abuse through counseling and referrals to legal assistance shelters. The Government provided support to victims of domestic violence through the Department of Welfare for the Family and its Social Welfare Agency known as Appogg. Early in the year, the Government contributed to the setting up of a shelter for women and children who might have become homeless for various reasons. The Government also maintained an emergency fund and subsidizes shelters. The Government also provided financial support to a shelter operated by the Catholic Church. In 1998 the Government set up a committee to review existing family legislation and propose amendments dealing with domestic violence; however, no new legislation had been enacted by year's end.

Rape and violent indecent assault carry sentences of up to 10 years' imprisonment. The law treats spousal rape in the same manner as other rape. Divorce is not legal.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Although exact figures were not available, there were some prosecutions during the year.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education; however, while women constitute a growing portion of the work force, they were underrepresented in management. Cultural and traditional employment patterns often directed women either into traditional "women's jobs" (such as teachers or nurses) or into jobs in family-owned businesses or select professions (academia or medicine). As a result, women generally earned less than their male counterparts.

Women's issues were handled by the Department for Women in Society and the National Commission for the Advancement of Women under the Minister of Social Policy. The Commission's program for 2001 focused on broader integration of women into society. It advised the Government on the implementation of policies in favor of equality of the sexes. The Department for Women in Society was responsible for the implementation of initiatives and guidelines set by the Commission.

Women enjoyed equality in matters of family law and the Government promoted equal rights for all persons regardless of sex. The Government took steps to provide gender-neutral legislation, and redress in the courts for sexual discrimination was available.

Children.—The Government was committed strongly to children's rights and welfare. It provided free, compulsory, and universal education through age 16. The Government provided universal free health care to all citizens.

The Government addressed concerns for children's rights and welfare within family law.

There was no societal pattern of abuse of children, and the number of reported cases of child abuse decreased from the previous year. As of the end of June, 468 cases of child abuse had been reported. A "helpline" telephone number existed for reports of suspected cases of child abuse.

Persons with Disabilities.—The law provides for rights for persons with disabilities. The 2000 Persons with Disabilities Act built on provisions in the public employment and accessibility laws and requires the private sector to apply equal employment guarantees already in place in the public sector. For example, private development project plans must include access for persons with disabilities. Efforts continued during the year to provide children with disabilities with access to mainstream schools as opposed to segregated schools. The Employment Training Corporation was responsible for registering unemployed persons with disabilities to ensure compliance with the law, which requires that every company employing more than 20 persons hire at least 2 percent of its workforce from the Register for Unemployed Disabled Persons.

National/Racial/Ethnic Minorities.—In 2000 there were approximately 2,000 Muslims living in the country. Owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, especially of African or Arab origin from entering their establishments.

In May the Government amended the Criminal Code, making racial hatred a crime. In November a court convicted the editor of an independent newspaper and a former columnist of racial hatred, following the publication of an article earlier in the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the right to associate freely, and workers exercised this right in practice. There were 38 registered trade unions, representing about 63 percent of the work force. Although all unions were independent of political parties, the largest, the General Workers' Union generally was regarded as having close informal ties with the Labour Party.

Under the law, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization (ILO) Committee of Experts for many years has criticized a provision of the law that permits compulsory arbitration to be held at the request of only one of the parties, in contravention of ILO Convention 87.

Under the law, an employer may not take action against any employee for participation or membership in a trade union. Complaints were allowed to be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal

for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes were resolved directly between the parties. Workers fired solely for union activities must be reinstated. There were no reports of such firings during the year.

There is no prohibition on unions affiliating internationally, and many unions have such affiliations.

b. The Right to Organize and Bargain Collectively.—Workers are free, in law and practice, to organize and bargain collectively. In September 2001, the Government established the Malta Council for Economic and Social Development as an advisory body between the Government, unions, and employers. It may also consult other organizations to advise on issues related to the economic and social development.

Workers had the right to strike. Only noncivilian personnel of the armed forces and police were prohibited from striking. In principle a striking union was allowed to ignore an unfavorable decision of the Industrial Tribunal by continuing to strike on other grounds.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16. The Department of Labor enforced the law effectively, but allowed summer employment of underage youth in businesses operated by their families; some underage children were employed as domestics, restaurant kitchen help, or vendors.

e. Acceptable Conditions of Work.—The weekly minimum wage was \$111.70 (103 euros) for persons under age 17; \$114.58 (106 euros) for 17-year-olds; and \$121.47 (112 euros) for persons aged 18 and over. In addition, an annual mandatory bonus of \$520 (480 euros) was paid. This minimum wage structure provided a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulated work hours; for most sectors the standard was 40 hours per week, but in some trades it was 43 or 45 hours per week.

Government regulations provide for a daily rest period, which was normally 1 hour, and 1 day of rest per week. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor generally enforced these requirements.

Enforcement of the Occupational Health and Safety Authority Act was uneven, and industrial accidents remained frequent. Workers were allowed to remove themselves from unsafe working conditions without jeopardy to their continued employment.

f. Trafficking in Persons.—In May the Government amended the criminal code, prohibiting trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

The White Slave Traffic Ordinance and the Criminal Code prohibit procurement for prostitution, pornography, sexual offenses, defilement of minors, illegal detainment, unlawful carnal knowledge, and indecent assault. Traffickers may be prosecuted under the criminal code or under the Immigration Act for unlawful entry or unregulated status. In 2001 the penalty was increased for illegal transportation of persons.

MOLDOVA

The Constitution of Moldova, adopted in 1994, provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. Parliament amended the 1994 Constitution in July 2000 transforming the country into a parliamentary republic and changing the presidential election from a popular to a parliamentary vote. In December 2000, after several tries, Parliament was unable to elect a president, and President Petru Luchinschi dismissed the Parliament. In February 2001, parliamentary elections were held, which resulted in a new communist-majority Parliament and government. International observers considered the parliamentary elections to be generally free and fair; however, authorities in the separatist Transnistria region interfered with the ability of residents there to vote. In April 2001, Parliament elected Communist Party leader Vladimir Voronin as President. The Constitution provides for an independent judi-

ary; however, observers reported that judges remained subject to outside influence and corruption.

In 1991 separatist elements, assisted by Russian military forces in the area, declared a "Dniester Republic" in Transnistria between the Dniester River and Ukraine. The Moldovan government does not control Transnistria. Unless otherwise stated, all references herein are to the rest of the country.

The Ministry of Internal Affairs has responsibility for the police. The Information and Security Service (ISS) controls the other security organs, except for the Border Guards, which are a separate agency. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS and to ensure that they comply with existing legislation. The ISS has the right to investigate crimes but not to arrest individuals. There were reports that the security forces committed some human rights abuses.

The country has a population of approximately 4.35 million, of whom approximately 750,000 live in Transnistria. The Government was engaged in a program of privatization; agriculture, the most important economic activity, largely has been privatized. The majority of manufacturing sector enterprises were owned privately, but small equity positions (even 5 to 10 percent) gave the Government disproportionate influence in the affairs of these enterprises. Most small shops and virtually all service sector businesses were owned privately. The "shadow economy" reportedly accounted for 30 to 70 percent of the economy. According to government statistics, approximately 82 percent of the population lived below the officially designated "subsistence minimum."

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistria authorities was poor. Citizens generally have the right to change their government, although this right was restricted severely in Transnistria. The Government allegedly engaged in extralegal maneuvering to remove the popularly elected governor of the autonomous region of Gagauzia. There were some reports that authorities tortured and beat persons, particularly persons in police custody and Roma. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. The judicial system, while underfunded and subject to outside influences and corruption, continued to demonstrate independence from the Government and Parliament. It is believed widely that security forces monitored political figures, used unauthorized wiretaps, and at times conducted illegal searches. There were some restrictions on freedom of the press, including defamation and calumny laws that encouraged self-censorship. There were legal limits on freedom of association. Religious practice generally was unrestricted; however, a few religious groups encountered difficulties in obtaining official registration. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the U.N. High Commission for Refugees (UNHCR). Violence and societal discrimination against women and Roma persisted. There were some limits on workers' rights. Trafficking in women and girls continued to be a very serious problem that began receiving greater attention from the Government. Moldova was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The Transnistrian authorities reportedly continued to use torture and orchestrated a serious physical attack against an NGO leader on at least one occasion. Arbitrary arrest and detention remained a problem. Prison conditions in Transnistria remained harsh, and three ethnic Moldovan members of the Ilascu group remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transnistria. The Transnistrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Moldovan/Romanian-speakers.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents in the country or its separatist region.

b. Disappearance.—There were two reports of politically motivated disappearances.

Member of Parliament and Deputy President of the opposition Popular Christian Democratic Party (PPCD) Vlad Cubreacov disappeared on March 21 and reappeared in good health on May 25. The disappearance has not been explained, but Cubreacov was actively involved in organizing PPCD-led anti-Communist protests,

has worked as counselor for the Bessarabian Metropolitan Church, and has been a loud and critical voice in the country's delegation to the Council of Europe's Parliamentary Assembly.

On August 2, Deputy Director of the Department of Informational Technologies Petru Dimitrov was kidnaped and remained missing at year's end. Law enforcement officials stated that witnesses saw two men kidnaping Dimitrov.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were allegations that police arrest and interrogation methods were cruel and degrading and unconfirmed reports by inmates that prison guards beat them.

On March 7, officers of a special detachment of the Ministry of Interior Affairs allegedly beat and detained Gagauz official, Ivan Burgudji (*see* Section 1.d.).

The European Roma Rights Center reported that law enforcement officials regularly subjected Roma to torture or other cruel, inhuman, or degrading treatment or punishment (*see* Section 5).

The Chisinau municipal Prosecutor's Office began investigating the case of violent clashes in Chisinau between police and students in 2001, but it has never released the results and the case was suspended during the year.

The Helsinki Committee reported that local authorities used torture in Transnistrian Prison Number Two during a military training exercise there in August 2001. According to the Helsinki Committee, approximately 50 convicts sustained injuries during these "lessons in behavior." Transnistrian authorities and part of the Transnistrian press denied that soldiers tortured the prisoners.

There were unsubstantiated reports by local nongovernmental organizations (NGOs) of involvement by government officials in the trafficking of women and girls (*see* Section 6.f.).

Conditions in most prisons in both Transnistria and the rest of the country remained harsh with serious overcrowding. Cell sizes did not meet local legal requirements or international standards. Conditions were especially harsh in prisons used to hold persons awaiting trial or sentencing. As of September 1, 3,020 individuals were awaiting trial (*see* Section 1.d.). These prisons suffered from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences were only marginally better. The incidence of malnutrition and disease, especially tuberculosis, was high in all prison facilities. The medical section of the Department of Penitentiaries released figures at year's end showing that 1,035 inmates had active tuberculosis and 191 had HIV/AIDS. The mayor of the Transnistrian-controlled city of Benderi insisted that the central Ministry of Justice abandon a hospital-prison for tuberculosis-infected inmates in his city. Benderi authorities intermittently cut off utilities to the prison, blocking them permanently in late September. Attempts to improve prison conditions continued to be frustrated by a lack of financing. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, was reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished levels.

Female prisoners were held separately from male prisoners. According to UNICEF, the country had only one small facility, similar to a detention camp, for juveniles convicted of crimes, and one women's prison had a small section for juvenile girls. There is no juvenile justice system (*see* Section 1.e.). Children accused of crimes usually were tried by the criminal courts and, if sentenced, sent to adult prisons where they were held in separate cells. Pretrial detainees were held separately from convicted prisoners, although according to one report, there were cases in which convicted prisoners remained in pretrial detention facilities after conviction due to over-crowding in prisons.

In general both government and independent human rights observers were permitted to visit prisons. The Moldovan Center for Human Rights made regular prison visits during the year. The Government has cooperated with the International Committee of the Red Cross (ICRC) in the past, permitting visits to prisoners from the 1992 conflict; however, an ICRC request for permission to visit the Ilascu Group, imprisoned in Transnistria, was denied.

d. Arbitrary Arrest, Detention, or Exile.—The Soviet Code on Penal Procedure, which prohibits arbitrary arrest and detention, has remained in force with some amendments since before independence, and authorities generally respected its provisions. On April 18, Parliament adopted a new Penal Code, which was scheduled to come into effect on January 1, 2003. Experts from the Organization for Security and Cooperation in Europe (OSCE) and the American Bar Association/Central and Eastern European Law Initiative assisted a parliamentary commission in drafting

the new code. Judges issued arrest warrants based on cases presented by prosecutors.

Under the Constitution and the Penal Procedure Code, detainees must be informed immediately of the reason for their arrest and must be made aware of the charges against them as quickly as possible. As a result of a constitutional change that took effect in August 2001, a suspect may be detained without charge for 72 hours, an increase from 24 hours. Under the Constitution, the accused has the right to a hearing before a court regarding the legality of his arrest.

A suspect normally is allowed family visits and has the right to a defense attorney throughout the entire process (*see* Section 1.e.). The attorney must be present when the charges are brought. Many lawyers pointed out that access to a lawyer generally was granted only after a person had been detained for 24 hours, and often the accused were presented with the charges against them without the presence of a lawyer.

If charged, a suspect may be released on personal recognizance pending trial. No system of bail exists, but in some cases, to arrange release, a friend or relative was allowed to give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally were not released before trial.

On March 7, Gagauz official and well-known Gagauz nationalist, Ivan Burgudji, was beaten and arrested in his local government office by what is believed to have been a special detachment of the Ministry of Internal Affairs. A week earlier he and two other local officials were charged with disrupting a February 24 referendum organized in the region by pro-Communist local leaders to attain a popular vote of no confidence in then-Governor of Gagauzia, Dmitry Croitor. However, the official charges for his arrest were "abuse of power" and "malicious hooliganism." Burgudji was held until April 17, when he was released on bail. The case against him was still ongoing at year's end. Because the February 24 referendum was not organized in accordance with national legislation, critics charged that political reasons led to the charges and Burgudji's detention.

Local and international NGOs reported arbitrary detention and arrests of Roma without cause or warrants, often without access to a lawyer (*see* Section 5).

The Constitution and the Penal Procedure Code permit pretrial detention for an initial period of 30 days, which a court may extend to 12 months. Parliament may also approve the extension of pretrial detention to 12 months on an individual basis. Detentions of several months were fairly frequent, and in some rare cases pretrial detention was extended for several years. At year's end, according to figures provided by the Ministry of Justice, 3,020 persons of a total prison population of 10,837 were held in confinement awaiting trial. The total prison population of minors was 251. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR (*see* Section 2.d.).

At times during the year, the Transnistrian authorities used a 1994 decree to impose a "state of emergency" in the region that allowed law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually were applied to persons suspected of being critical of the regime and sometimes lasted up to several months. According to a credible report by Amnesty International (AI), many such persons were held in pretrial detention in Transnistria during the year. The decree was formally lifted in October 2001; however, the authorities in Transnistria continued to exercise arbitrary detention as common practice. The most recent example of this was the 2-week August detention of Nicolae Speian, director of the Grigoriopol-based school using the Latin script for instruction of Romanian/Moldovan (*see* Section 2.a.). Speian was charged with hooliganism for insulting the Chairman of the Grigoriopol district and received an administrative punishment of 15 days of detention.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, many observers believed that arrears in salary payments made it difficult for judges to remain independent of official pressure and free from corruption. On July 25, Parliament passed a salary increase for all judges and prosecutors that went into effect on November 1.

The Constitutional Court showed strong signs of independence during the year. The Court issued a number of rulings balancing out several controversial initiatives of the Communist authorities that both the opposition and the Parliamentary Assembly of the Council of Europe (PACE) criticized. These included two decisions resulting in the annulment of the most controversial parts of a retrogressive Soviet-style territorial-administrative change: A March 14 decision struck down key parts of the public administration law, including the provision that mayors no longer be popularly elected; and a February 19 decision led to the cancellation of early local

elections. The Court also struck down provisions regarding an increased use of the Russian language, which helped relieve the tense situation between authorities and the opposition during months of protests (*see* Section 2.b.). The Court's decisions generally were regarded as fair and objective; however, critics charged that the Government's reappointment decisions were based on judges' political loyalty. Critics frequently charged that other courts were corrupt or politically influenced, but these charges remained hard to prove.

The judiciary consists of lower courts, five appellate courts (tribunals), a Higher Court of Appeals, and a Supreme Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal. A separate Constitutional Court has authority exclusively in cases regarding the constitutionality of draft and final legislation, decrees, and other government acts.

The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for tenure was designed to increase judicial independence. Beginning in 2000, judges being considered for reappointment have been required to take a specialized training course at the Judicial Training Center, after which they were subject to tests evaluated by the Superior Council of Judges. The results were considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The Prosecutor General's office is an autonomous office within the judiciary branch that answers to Parliament. Since 1997 prosecutors have had the right to open and close investigations without bringing the matter before a court, which gave them considerable influence over the judicial process. The Prosecutor General's office is responsible for criminal prosecution, the presentation of formal charges before a court, and the overall protection of the rule of law and civil freedoms.

There is no juvenile justice system (*see* Section 1.c.). Children accused of crimes usually were tried by the criminal courts.

By law defendants in criminal cases are presumed innocent; however, in practice prosecutors' recommendations still carried considerable weight and limited the defendant's actual presumption of innocence. Trials generally were open to the public. Defendants have the right to a lawyer and the right to attend proceedings, confront witnesses, and present evidence. If the defendant cannot afford an attorney, the Government requires the local bar association to provide one. Because the Government was unable to pay ongoing legal fees, defendants often did not have adequate legal representation. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review the evidence against their clients when preparing cases. The accused has a right to appeal to a higher court. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian.

Due to a lack of funding for adequate facilities and personnel, there was a large backlog of cases at the tribunal and Higher Appeals Court levels. According to the Justice Ministry, only approximately 75 percent of all court rulings were carried out due to the economic crisis, a lack of judicial and prosecutorial resources, and the absence from the country of many working-age individuals against whom judgments were levied.

There continued to be credible reports that local prosecutors and judges extorted bribes for reducing charges or sentences. There was no progress in the case of the 2001 request by the Prosecutor General to dismiss a judge so that he would lose immunity and could be prosecuted; the judge had freed an alleged leader of an organized crime group specializing in targeted killings and kidnappings, reportedly for a large bribe.

The country has a military justice system, whose courts have generally the same reputation as civilian courts. A military prison, used only for disciplinary cases for members of the armed forces, is housed at Marculesti air force base.

In Transnistria three ethnic Moldovan members of the Ilascu Group remained in prison following the May 2001 release of their leader. The European Court of Human Rights (ECHR) has not yet ruled on a case that the wives of the Ilascu Group filed in 1999 against Moldova and Russia and did not withdraw after the leader's release last year. Ilascu, who subsequently became a Romanian parliamentarian, and international organizations continued to urge the Transnistrian authorities to release the remaining members of the Ilascu Group or retry them in a proper court under international monitoring, despite a decrease in public attention following Ilascu's release. Transnistrian authorities denied the ICRC's repeated requests during the year for permission to see these prisoners (*see* Section 1.c.).

There were no reports of political prisoners other than those in Transnistria.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice.

No judicial review exists for search warrants, which prosecutors issue. It was believed widely that the security agencies conducted illegal searches without proper authorization. Courts did not exclude evidence that was obtained illegally. The Constitution specifies that searches must be carried out “in accordance with the law” but does not specify the consequences if the law is not respected. The Constitution also forbids searches at night, except in the case of flagrant crime, and this prohibition generally was respected. By law the prosecutor’s office must authorize wiretaps and may do so only if a criminal investigation is underway; however, in practice the prosecutor’s office lacked the ability to control the security organizations and the police or to prevent them from using wiretaps illegally. It was believed widely that security agencies continued to monitor residences and telephones electronically.

Since September 2001, police reportedly informed persons of Middle Eastern origin that they were being monitored carefully. As of September, police again reportedly enhanced their surveillance of foreign Muslim students.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, there were some restrictions on these rights. The Government generally did not limit freedom of speech; however, it used provisions of the electoral law and a calumny law against some critics, and journalists practiced some self-censorship. Nevertheless there was an active independent media.

The print media expressed a wide variety of political views and commentary. National and city governments subsidized a number of newspapers. Political parties and professional organizations, including trade unions, also published newspapers. Most newspapers had a circulation of fewer than 5,000 copies. There were several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. Three independent television stations operated in the Chisinau area and one in the city of Balti. The Chisinau licensed stations mostly rebroadcast programs from other stations, along with local news shows and some of their own programs. The Government owned and operated several radio stations and a television station that covered most of the country. Some local governments, including Gagauzia, operated television and radio stations; however, during the year central authorities sought to limit Gagauz media independence.

The number of media outlets that were not owned and operated publicly by the State or a political party grew. However, most of these independent media remained in the service of and secured large subsidies from political movements, commercial or ethnic interests, or, until last year, foreign governments. In July 2001, Parliament amended the Press Law to prohibit funding or support of Moldovan publications by foreign governments. Observers presumed that the amendment was aimed at Romanian government support for opposition groups; however, the new prohibition also may apply to publications funded as part of international aid programs and potentially could hinder human rights groups, foreign donors, sponsors of democratization projects, and other nonpolitical organizations. At year’s end, no cases had been opened against any publications for receiving financial support directly from foreign donors. Romanian-supported publications circumvented the law by receiving funds from “foundations” created for this purpose, while the Government has not attempted to prosecute publications receiving direct funds from other states.

The state-run Audio-Visual Council (AVC) requires cable television companies to carry state television shows. In February 2001, Catalan-TV, an independent station that was in arrears for nonpayment of its station license fees, ceased operations after the AVC withdrew its license, ostensibly because of the arrears. However, observers noted that despite repeated warnings, Catalan had continued broadcasting materials during the parliamentary elections that were in violation of the electoral law, which limits broadcasting time to each party.

A 1995 law requires that a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. In August 2000, the AVC issued citations to several radio and television channels and threatened to revoke their licenses for their failure to respect this requirement. This action led to renewed controversy over the status of the Russian and Moldovan/Romanian languages (see Section 5). In 2000 following protests from both domestic and foreign groups, Parliament approved an interpretation of the law that 65 percent of locally produced content, rather than 65 percent of total airtime, had to be in the state language. In 2001 Parliament also

eliminated the legal requirement that all advertisements be accompanied by a translation in the state language and allowed advertisers to use any language.

Although the Constitution restricts press freedoms and some speech by forbidding "disputing or defaming the State and the people," these restrictions lack implementing legislation and were not invoked. However, a calumny law prohibits defaming high-level public officials. In the past, criticism of public figures resulted in a number of lawsuits. As a consequence, journalists practiced self-censorship to avoid lawsuits. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under this ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since then, plaintiffs generally have lost in cases in which suits have been filed against journalists and media organs. Under the calumny law, the Prosecutor General investigated and prosecuted the former head of the Department to Combat Corruption and Organized Crime, General Nicolae Alexei, who had become a parliamentary deputy and a member of the opposition Christian Democratic Party. Many observers believed that this affiliation was the real reason for his being charged. The Supreme Court of Justice did not rule on Alexei's case by year's end.

The Constitution prohibits censorship, and the Government officially did not censor books, films, or any other media; however, members of Parliament and other government officials often contacted a media outlet with complaints about their reporting, which usually resulted in the criticism being toned down. On February 26, an estimated 4,000 demonstrators, including many employees of state television, protested what they termed censorship by the national public broadcasting company "Teleradio-Moldova." They protested the station's failure to cover antigovernment demonstrations in downtown Chisinau and its exclusion of opposition viewpoints from broadcasts. A special commission was formed on March 7 to address these charges. In an effort to comply with a Council of Europe recommendation for the creation of an independent public broadcasting system, on July 26, Parliament adopted a new law on the national public broadcasting company "Teleradio-Moldova." The law nominally transformed the state broadcasting company into an independent public television and radio broadcaster; however, articles 12 through 19, which outline the administrative structure of the company, suggest that the Government maintains significant control. Critics and PACE urged authorities to revise the law based on input from associations representing the media and the political opposition and the recommendations on the Council of Europe.

Print and broadcast journalists reportedly practiced self-censorship regularly due to government and public figures' use of the electoral and calumny laws to sue for defamation and complaints from authorities of news coverage.

In November 2001, the Government charged an independent publication, *Kommersant Moldovy*, with being a danger to state security for its alleged support for the separatist Transnistria regime and closed it on the grounds that it was having financial troubles. The paper re-opened under the name *Kommersant Plus* only a few days later and maintained a pro-Transnistrian political view.

The Government did not restrict foreign publications. However, some foreign publications were not widely circulated due to high costs. Russian newspapers were available, and some published special Moldovan weekly supplements. The country received television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers received a variety of other foreign television programs, including news programs. Few residents had satellite television. Parliament has prohibited the use of locally based foreign media outlets for political campaigning.

In 2000 legislation was passed giving the public access to information from government organizations; however, few individuals knew of this right and government organizations largely did not comply with the law, claiming a lack of resources.

The Government did not limit Internet access. Private Internet accounts were prohibitively expensive; however, Internet cafes were plentiful in major cities.

Of the two major newspapers in Transnistria, one was controlled by the separatist authorities, and the other by the Tiraspol city government. There was one independent weekly newspaper in Benderi and another in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticized the Transnistrian regime, for which the separatist authorities harassed them. Other print media in Transnistria did not have a large circulation and appeared only on a weekly or monthly basis; some of them also criticized local authorities. Most Moldovan newspapers did not circulate widely in Transnistria, although they were available in Tiraspol.

The Government did not restrict academic freedom; however, during the year Transnistrian authorities increasingly pressured schools in the region teaching Moldovan/Romanian in Latin script (rather than Cyrillic script used in Soviet

Moldova) and using the curriculum of the central Ministry of Education (*see* Section 1.d.). Authorities sanctioned a public school in Grigoriopol for clandestinely teaching in Latin script after petitions by a joint parent-teacher group to the local authorities proved unsuccessful. In September the Grigoriopol school was shut down, after which children took day trips to another city. In December the parents of these children were threatened with dismissal from their jobs in enterprises and institutions run by the Transnistrian authorities. Regional authorities repeatedly proposed evacuating schools No. 12 in Ribnitsa and No. 20 in Tiraspol and moving the students to locations outside the city center.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Mayors' offices issue permits for demonstrations and may consult the national government if a demonstration is likely to be extremely large; permits were issued routinely and without bias.

From January 9 to April 29, the opposition PPCD organized unauthorized protests against certain policies of the Communist authorities, such as measures to make Russian a second official language, extension of the teaching of Russian language in schools, and changing the history curriculum in schools from the current "History of the Romanians" course to a "History of Moldova" course. Protesters, who called for the resignation of the Communist party leadership, numbered at various times between several hundred and an estimated 30,000 supporters, though the opposition-controlled press greatly inflated the numbers. Smaller demonstrations took place in several towns across the country. During the last 4 weeks of demonstrations, protesters stayed around-the-clock in tents in front of the Parliament and the Presidential office buildings, blocking traffic on the central street. The PPCD asserted that the police impeded supporters from outside Chisinau from entering the city, but the demonstrations took place without interference from the police, and there were no reports of violent clashes.

On April 24, tensions between the authorities and the PPCD decreased, and the protests ended after the Council of Europe adopted a resolution recommending that the PPCD cease its protests and that authorities introduce a moratorium on pushing new legislation on language and history issues, suspend criminal proceedings against PPCD M.P.s, and broaden opposition rights. Using the ambiguity of certain provisions in the Law on the Status of Deputies that pertained to parliamentarians' right to meet with their voters, the PPCD contended that these protests were "meetings with voters," which did not require municipal government permission. In July Parliament adopted a series of amendments to several laws, requiring M.P.s to request authorization from city governments for "meetings with voters." Subsequently, the PPCD requested a permit for a meeting with voters on August 31, a national holiday in the country. The mayor's office in Chisinau rejected the request in connection with the holiday events but issued a permit for September 1, when the event took place without incident.

In 2001 authorities began an investigation of violence that occurred during the April 2000 student demonstration, but they suspended the case during the year and never released the results.

The Transnistrian authorities usually did not permit free assemblies, and on those occasions when they did issue permits, they often harassed organizers and participants. Unregistered religious groups were not allowed to hold public assemblies, such as revival meetings (*see* Section 2.c.). Regional authorities at times organized mass rallies in their own support and called them "spontaneous rallies by the people."

The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification with neighboring Romania have charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, were required to register, but applications were approved routinely. There were 27 parties at year's end.

The law on parties and other social-political organizations provides that the Ministry of Justice can suspend for a period of up to 1 year a party that violated the Constitution or the law after a written warning about the violations with a deadline for cessation of the unlawful activity. During electoral campaigns, only the Supreme Court of Justice can suspend a party's activity. After a January 17 warning, the Ministry of Justice suspended on January 22 the PPCD's right to operate in connection with the organization of the unauthorized protests. The Council of Europe, the

European Union, and various countries expressed concern regarding the suspension of the PPCD. Tensions escalated with a February 5 parliamentary decision to hold early local elections on April 7, later recognized by the Constitutional Court as unconstitutional (*see* Section 3). On February 8, the Ministry of Justice cancelled the suspension order with reference to the official start of the electoral campaign and the recommendations received from European bodies. Although early local elections did not take place, the Ministry of Justice allowed the PPCD to operate and did not return to the suspension issue.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. The Transnistrian “Supreme Court” ruled in March and May, respectively, that the cases against the two political parties—For Power to the People, For Social Justice, and People’s Rule—would have to be re-investigated and sent them down to the Tiraspol City Court. In November 2001, a Transnistrian court closed the Komsomol youth organization, which re-registered under a different name. The case against People’s Rule had reached the Supreme Court again, although no hearings had been held at year’s end. The case against For Power to the People, For Social Justice was still under review at the City Court at year’s end.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibited the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church receives some special treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova has a diplomatic passport. Other high-ranking Orthodox Church officials also reportedly have diplomatic passports.

The law requires that religious groups register with the Government. Unregistered religious organizations are not permitted to buy land or obtain construction permits for churches or seminaries. On July 12, Parliament adopted a package of amendments to the Law on Religion, simplifying the terms and procedures for recognizing religious organizations. The change was largely motivated by demands from the Council of Europe that the Government recognize the Bessarabian Orthodox Church. The amendments provide that in order to organize and function, religious organizations have to present to the state body for religions a declaration of creation, by-laws, and an explanation of their basic beliefs. Within 30 working days the state body then enters the organization into the Register of Religions. The amendments do not expressly provide that the state body is obliged to enter an organization into the Register, but the phrasing of the provisions suggests that registration is automatic. Under the new rules, at the request of the state body for religions, a court may annul the recognition of an organization if its activities are political or harm the “independence, sovereignty, integrity, security, or public order” of the country.

After years of denying it recognition, on July 30 the Government recognized the Bessarabian Orthodox Church (Metropolitan Church of Bessarabia) in accordance with the new, simplified procedure provided by the Law on Religion and the recommendation of the Council of Europe. However, the Government continued to deny registration to the Church of the True Orthodox of Moldova, a branch of the Russian Overseas Orthodox Church. After an appellate court decision in favor of the church in 2001, the Government appealed to the Supreme Court of Justice, which ruled on May 29 that the Government must register the True Orthodox Church. The Church of Jesus Christ of Latter-day Saints (Mormons) and the Spiritual Organization of Muslims in Moldova continued to face bureaucratic difficulties in the registration process.

The Law on Religion permits proselytizing, but explicitly forbids “abusive proselytizing,” which is defined as “an attempt to influence someone’s religious faith through violence or abuse of authority.” The Government has not taken legal action against individuals or organizations for proselytizing.

Since 2000 “moral and spiritual” instruction is mandatory for primary school students and optional for secondary and university students. The Ministry of Education had planned for the instruction to begin in September 2000; however, difficulties arose in establishing the nature of this religious instruction that, combined with the chronic financial problems of the country’s schools, delayed indefinitely the implementation of the decree on a national level.

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area. The Church had little difficulty in recovering nearly all of its property. In cases where property was destroyed, the Government offered alternative compensation. However,

property disputes between the Moldovan and Bessarabian Churches have not been resolved. Despite being able to register and operate as a legal religion, representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. The Jewish community had mixed results in recovering its property. An appeal by the Molocans to Parliament remained pending at year's end.

The case continued throughout the year of three youths who were charged with vandalism for bombs thrown into a synagogue in Transnistria in 2001, which caused minor damage, but no verdict was reached by year's end. Perpetrators desecrated dozens of graves in Chisinau's main Jewish cemetery in April, destroying many of the gravestones. Police concluded that the perpetrators were three minors, who by law could not be charged. The Jewish community asked the city to place full-time armed guards at the cemetery, but guard presence was reportedly sporadic.

The independent press occasionally wrote very negative articles about religions other than the Orthodox Church. The Muslim organization also asserted that it was discriminated against because some members were Afghan and Chechen refugees.

In recent years, Transnistrian authorities have denied registration to Baptists, Jehovah's Witnesses, Methodists, and the Church of the Living God. Unregistered religious groups were not allowed to hold public assemblies, such as revival meetings. The law in Transnistria prohibits renting houses, premises of enterprises, or "cultural houses" for prayer meetings. Evangelical religious groups meeting in private homes have been told that they did not have the correct permits to use their residences as churches.

In late 2001, Jehovah's Witnesses organization initiated a court action against a Transnistrian official for allegedly abusing his office by blocking a property purchase. The case was settled on June 26, but on June 29 the Prosecutor General filed a case against Jehovah's Witnesses, claiming that the organization had submitted invalid documents for its activities. The first hearing took place October 28, with no further developments by year's end. Transnistrian state officials have reportedly accused Jehovah's Witnesses of a lack of patriotism and of spreading Western influence. Baptists in Transnistria complained during the year that Grigoriopol officials and the Fiscal Inspectorate illegally sealed off a church-operated building, imposed fines, attempted to take rented land from the church, and prevented the building of a house of prayer. In the past, they and other non-Orthodox groups in Transnistria complained that they generally were not allowed to rent property and often were harassed during religious services.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and law provide for these rights, and the Government generally respected them in practice; however, authorities sometimes restricted travel to and from the separatist Transnistrian region.

The Government did not restrict travel within the country, and there were no closed areas except the military depot at Colbasna controlled by the Transnistrian separatist authorities. Travel between Transnistria and the rest of the country was not prevented. There were regularly scheduled buses and trains to and from Transnistria. The separatist authorities often stopped and searched incoming and outgoing vehicles. In September 2001, the new administration announced that it would remove fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria and began to make plans to set up joint customs posts with Ukraine on its border with Transnistria; however, implementation proved difficult and had not been completed by year's end. In 2001 the Government also issued new customs seals and stamps and, unlike its predecessors, did not give them to the Transnistrian authorities. Officials asserted that this was to prevent contraband from flowing through Transnistria. Transnistrian leaders charged that authorities in Chisinau had put an "economic blockade" around its territory to pressure it politically. Transnistrian authorities increasingly impeded OSCE travel to the region (*see* Section 4), despite several official protests from the OSCE Head of Mission noting that failure to give free access to OSCE mission members violated the 1993 agreement between Transnistria and the OSCE.

Transnistrian authorities interfered with and at times blocked farmers from the village of Dorotcaia from traveling to right-bank Moldova to sell their produce. Dorotcaia is located in left-bank Moldova but is controlled by the Republic of Moldova according to the terms of the 1992 cease-fire. The problem remained unresolved because Transnistrian authorities refused to remove their customs posts installed around Dorotcaia.

Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. The Gov-

ernment also may deny permission to emigrate if the applicant had access to state secrets; however, such cases were very rare, and none were reported during the year. It generally was accepted that a large number of citizens were working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official sources were inconsistent and largely anecdotal; government estimates claimed that between 600,000 and 800,000 citizens were working outside the country, the vast majority of them illegally. The majority worked in Russia, Romania, Ukraine, and Bulgaria.

The Constitution provides for the granting of asylum and refugee status. On January 31, the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol entered into force. On July 25, Parliament adopted the Law on Refugee Status, which brought the country's legislation into compliance with the 1951 U.N. Convention/1967 Protocol and allows for the implementation of Constitutional rights to apply for asylum. This law will serve as the basis for future asylum decisions. Previously, all persons approaching the UNHCR for refugee status also applied to the President for political asylum but invariably received the response that the application could not be processed due to the absence of any refugee or asylum law. The Government cooperated in some respects with the UNHCR and other humanitarian organizations in assisting refugees. While individuals who were already in the country generally had access without restrictions to the UNHCR and were processed for refugee status under its mandate, those arriving at the airport as a rule were denied entry and held incommunicado until they could be returned to their place of embarkation. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR. According to a UNHCR representative, the authorities frequently failed to inform the UNHCR of the arrival of refugees or disregarded UNHCR guidance and advice.

The Government provides for first asylum but did not grant it to anyone who applied during the year. According to the UNHCR, 670 cases (920 persons) had been registered with the UNHCR in the country from the creation of the office in 1997 through September 1. Of these, 121 cases (255 persons) were recognized as refugees by the Government, 122 cases (133 persons) were rejected in the first instance, and 50 cases (54 persons) were rejected on appeal. Out of the total of recognized refugees, 13 cases (23 persons) were resettled to third countries, and 14 cases (16 persons) were voluntarily repatriated to their country of origin with the assistance of UNHCR. As of September, 148 recognized refugees, representing 55 cases, were in the country. In addition, 67 cases (88 persons) were pending in either the first or appeal level. Many originated in Chechnya, Iraq, Sudan, Afghanistan, Nigeria, and other African countries. Individuals assisted by smugglers and Chechens were more successful in gaining admission.

There were no official reports during the year of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change the Government peacefully, and citizens exercised this right in practice in most of the country through periodic, free, and fair elections held on the basis of universal suffrage; however, this right was restricted in Transnistria. Citizens voted in multiparty presidential elections in 1996 and parliamentary elections in 1996, 1998, and 2001. International observers considered these elections to be free and fair, but Transnistrian authorities interfered with their residents' ability to vote in these elections. In addition, Transnistrian "presidential" elections in 2001 and 1996, as well as Supreme Soviet elections in 2000, were not observed by international monitors and were not considered free and fair.

The Constitution adopted in 1994 provided for the division of power among a popularly elected president, a cabinet, a parliament, and a judiciary. In July 2000, Parliament voted to amend the 1994 Constitution to transform the country into a parliamentary republic and change the presidential election from a popular vote to a parliamentary vote. In formal terms, the amended Constitution changes only the method of election of the President. Under its provisions, the President, as Head of State, appoints the Prime Minister, who names the Cabinet. The Prime Minister, who functions as the head of government, and the Cabinet are then approved by the Parliament. The President may dismiss a cabinet minister at the request of the Prime Minister. According to this legislation, a three-fifths vote in Parliament is required to elect a presidential candidate, and the vote must be held by secret ballot. If after multiple votes Parliament proves unable to elect a candidate, the sitting President may dissolve Parliament.

A total of 27 parties met the requirement of a 1998 law requiring 5,000 members and were registered officially.

Parties registered for less than 2 years were allowed to participate in the February 2001 elections. Of these only three held power in Parliament: The Communist Party with 71 seats, the Social Democratic Alliance (SDA—formerly the Braghis Alliance) with 16 seats, and the right-wing PPCD with 11 seats. Three independents have broken off from the SDA since April 2001 and remained in Parliament.

The Government selectively enforced regulations, including inspections and tax auditing, for individuals and businesses that belong to or support opposition parties.

Parliamentary elections held in February 2001, called free and fair by the OSCE Office of Democratic Institutions and Human Rights, resulted in a clear victory for the Communist Party, which won 50 percent of the popular vote. The centrist Braghis Alliance won 13.4 percent, and the rightwing PPCD won 8.3 percent. Because many small left-of-center and right-of-center parties failed to win the minimum number of votes required for parliamentary representation, their seats were redistributed among the three leading parties. As a result, the Communist party gained 71 seats out of 101, sufficient to elect the President, pass laws, overturn presidential vetoes, and change the Constitution. In March-April 2001, Communist Deputy Eugenia Ostapciuc became Speaker of Parliament; Parliament elected Communist Party leader Vladimir Voronin as President; and Voronin appointed businessman Vasile Tarlev as Prime Minister. Tarlev appointed a government composed of Communists and “technocrats.”

On February 5, amendments entered into force that revised the Administrative Territorial Organization Law and the Law on Local Public Administration by increasing the number of districts and providing for early local elections. The legislation also changed the method of selecting mayors from a popular vote to appointment by local councils; Parliament also decided to hold early local elections on April 7. However, the Constitutional Court ruled on February 19 that this decision was unconstitutional because the Constitution does not allow for the interruption of local officials’ terms, which are set to run through May 2003. On March 14, the Constitutional Court further struck down key parts of the local administration law, including the provision that mayors no longer be popularly elected. The territorial organization law remained in force, but in light of the February 19 Constitutional Court decision, it cannot go into effect until May 2003 when local authorities’ mandates expire. The Parliament also passed a law giving prefects, the local representatives of the central government, control over county budgets. President Voronin supported the law; however, he refused to sign the provision that would apply the law to the city of Chisinau.

A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor and 35 deputies to their Popular Assembly in free and fair elections in September 1999; however, during the year central authorities pressured him to resign, and there were irregularities in the gubernatorial elections in October to replace him. The Gagauz complained frequently that the central government did not abide by the terms of the agreement giving Gagauzia autonomous status and that it enacted laws that directly contradicted both local and national legislation establishing Gagauz autonomy. When central government commission members submitted a new status law governing the autonomy in December 2001 without first discussing it with the Gagauz members of the commission, the latter left the commission and complained to the OSCE Mission and the Congress of Local and Regional Authorities of Europe (CLRAE).

In January pro-Communist members of the Gagauz People’s Assembly failed to gain a two-thirds majority in an attempted vote of “no confidence” in popularly elected Gagauz Governor Dmitry Croitor. On February 24, anti-Croitor members of the commission organized a popular referendum to unseat Croitor, against the Gagauz legal code. Croitor and his supporters opposed the referendum, which attracted less than the required 50 percent of registered voters, and in March Gagauz official Ivan Burgudji was arrested and charged with interfering with the referendum (*see* Section 1.d.). Croitor challenged the legal validity of the referendum in court, but the Supreme Court did not rule in his favor in a June 5 trial that some observers saw as politically motivated. Under increased pressure from pro-Communist elements, Croitor eventually resigned on July 6, and new gubernatorial elections were called for October 6. In violation of local legislation, pro-Communist leaders in the local legislature took control of key executive seats in the regional capital after Croitor’s departure. Many Gagauz observers posited that Croitor’s forced departure was orchestrated from Chisinau in violation of both local and national legislation. In a second round of elections held on October 20, the Communist-backed candidate, Gheorghe Tabunshchik, was elected governor with 51 percent of the vote, after the first round of elections proved invalid with less than the required 50 per-

cent of registered voters participating. The OSCE noted some irregularities in these elections, including the illegal exclusion 36 hours before polls opened of a candidate who had won third place in the first round.

After separatists declared a “Dniester Republic” in 1991, fighting flared briefly in Transnistria in 1992 but ended after Russian forces intervened. A truce has held since, although agreements to normalize relations have not been honored. International mediators encouraged the two sides to reach a settlement that preserves the country’s sovereignty and independence while granting a measure of autonomy to the region. The country remained divided, with mostly Slavic separatists controlling the Transnistrian region along the eastern border with Ukraine. Upon his election, President Voronin promised that the resolution of this problem would be one of his priorities. He conducted an active campaign to win international support for a settlement and held monthly negotiations with Transnistrian leaders until September 2001 when talks were suspended due to conflict that was blamed on the country’s introduction of new customs stamps and seals (*see* Section 2.d.). After a long lapse in talks, negotiations gained momentum from a plan to resolve the conflict by creating a federal state proposed by mediators at a meeting of Transnistria, Moldova, Ukraine, Russia and the OSCE in Kiev on July 3. Heated debate ensued almost immediately all over the country, with the Communist-led administration supporting the proposal, pro-Romanian elements generally opposing it, and the Transnistrian authorities blocking negotiations.

Citizens’ right to change their government was restricted severely in Transnistria. Elections for “president” of the unrecognized state took place in December 2001, and the incumbent, Igor Smirnov, was declared the winner. In the period prior to the elections, authorities shut down a political party and a youth group, closed a leftist party newspaper, and seized a press run. The authorities refused to register the candidacy of a potential political candidate and dismissed another from his job as mayor of Benderi prior to the election. The regime reportedly threatened workers with job loss and students with expulsion from their universities if they did not vote for Smirnov. Internationally recognized election monitors refused to observe the 2001 “presidential” election to avoid validating Transnistria’s claim of statehood. Local observers reported that the actual voting was unfair, with considerable ballot box stuffing. Officials in the northern region of Kamenka reported that 103.6 percent of their voters cast ballots for Smirnov.

There were no restrictions in law or practice on the participation of women in political life. Women held 13 of 101 parliamentary seats. Speaker of Parliament Eugenia Ostapcuic occupied the highest political position in the country attained by a woman.

Russian, Ukrainian, Bulgarian, Gagauz, and Romani minorities were represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate took place in either the Moldovan/Romanian or Russian language, with translation provided.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights, except in the Transnistrian region. The local Helsinki Watch organization maintained contacts with international human rights organizations, as did the Helsinki Citizens Assembly. AI maintained a satellite office in Chisinau and was active in the country, although the authorities in Tiraspol impeded its activities in the Transnistrian region. Both Helsinki Watch and AI produced yearly human rights reports on the country.

Citizens may appeal to the ECHR in Strasbourg if they believe their rights have been violated or that national laws are not in accordance with the European Convention on Human Rights. During the year, citizens of the country filed 292 complaints with the ECHR. The majority of the cases concerned the lack of social protection and salary and pension arrears accumulated by the Government. In December 2001, the ECHR ruled against the Government in the case filed by the Bessarabian Orthodox Church (*see* Section 2.c.). The ECHR also heard the case of the Ilascu Group (*see* Section 1.e.) against the Governments of Moldova and Russia, but had not issued a ruling by year’s end. Many citizens were unaware of their legal rights under the Convention, although the Bessarabian Orthodox Church case considerably increased the level of awareness about the ECHR in the country.

The Government supported the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission—which includes Moldovan, Russian, Ukrainian, and Transnistrian members—that reviews violations of the

cease-fire agreement. Under a 1993 agreement with the Transnistrian authorities, the OSCE Mission generally enjoyed access to the security zone along the river dividing the separatist-controlled territory from the rest of the country; however, beginning in late 2001, the Transnistrian authorities increasingly impeded OSCE travel to the region. The separatist authorities routinely refused Mission members access to the Russian ordnance storage facility in Colbasna.

Under the law there are three parliamentary advocates (Ombudsmen), and an independent center for human rights, the Moldovan Human Rights Center. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms. Parliamentary advocates may be removed from office only by a two-thirds vote of Parliament, a provision that gives them substantial independence. On September 26, Parliament voted to remove from office one of the three advocates, charging that he had missed work without authorization for more than 1 month. The opposition PPCD claimed that he was removed due to his participation in the PPCD-organized anti-Communist protests (see Section 2.d.). Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for a review of constitutionality, and oversee the operation of the Moldovan Human Rights Center. Center personnel provide training for lawyers and journalists, visit jails, make recommendations on legislation, and conduct seminars and training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students. The majority of complaints received by the center involved private property violations, labor rights, access to justice, personal security, right to life, and personal dignity. During the first 9 months of the year, the Human Rights Center received 1,214 written petitions, signed by 3,339 persons. An additional 3,107 persons submitted complaints orally, either at the Center's offices, or during visits throughout the country by Center staff.

Since the December 2001 "presidential" elections, the regime in Transnistria reportedly has attempted to gain more control over NGOs in the region by having security officials "invite" NGO leaders to their offices to discuss their registration and by pressuring landlords not to renew office space leases for some NGOs. During the September 2 Transnistrian "independence day" celebrations, a prominent pro-Western NGO leader was attacked and stabbed in the chest by persons suspected of being under orders from the Transnistrian security police. Reportedly, the attackers were captured by private citizens minutes after the event but were released by the police, who classified the incident as a misdemeanor, despite the attending doctor's view that the crime was an attempted murder.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that persons are equal before the law regardless of race, sex, disability, or social origin; however, discrimination against women and some ethnic minorities, particularly Roma, persisted. There are remedies for violations, such as orders for redress of grievances, but these were not enforced in all cases.

Women.—Spousal violence occurred; although the Government did not keep official data on incidences of domestic violence, human rights advocates asserted that it was widespread. The Criminal Code does not specifically address crimes of domestic assault, and there is no law on spousal rape; however, women abused by their husbands have the right to press charges under its general assault laws. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). In practice the Government rarely prosecuted domestic assault crimes. The Ministry of Internal Affairs reported 549 cases of spousal abuse cases during the first 8 months of the year, including 88 resulting in serious bodily injury and 114 resulting in either murder or attempted murder. The Ministry of Internal Affairs recorded 154 cases of rape in the first 9 months of the year, an 11 percent increase from the same period in 2000. Women's groups believed that the numbers of rapes and incidents of spousal abuse were underreported.

Former President Lucinschi's wife and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau; although construction was almost completed, the shelter had not been opened by year's end. The Government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public officials and law enforcement officials in how to address this issue. In September 2001, the International Organization for Migration (IOM) opened a women's shelter in Chisinau, mainly for victims of trafficking. Private organizations operated services that provided support to abused spouses, including a hot line for battered women.

Trafficking in women was a serious problem (see Section 6.f).

The law provides that women and men enjoy equal rights, and under the law and in practice women received pay equal to that of men for equal work; however, they

did not hold high-paying jobs in the same proportion as men. The Government provided extended paid maternity leave. There were significant numbers of female managers in the public sector and in banking. The Minister of Finance and the president of the country's largest bank were women. Women made up approximately 50 percent of the workforce.

Children.—There is extensive legislation designed to protect children, and the Government provided supplementary payments for families with many children. According to the Constitution, the Government provides free, compulsory, and universal education for 9 to 10 years, which may be followed either by technical school or other further study; the requirement can vary at the discretion of the Minister of Education. However, many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not technically illegal, such charges contradicted the educational platform of the Government and resulted in many children being kept at home by their parents. Government statistics stated that 2,753 school-age children were not in school; however, press reports indicated that the number was higher, especially in rural areas. On September 1, both the central government and local authorities provided assistance in amounts ranging from \$7.40 (100 Moldovan lei) to \$22.20 (300 Moldovan lei) per child to children from vulnerable families to buy school supplies. Roma faced discrimination and segregation at all educational levels (see Section 5). The health system devotes a large portion of its limited resources to childcare, but childcare professionals considered the amount to be inadequate.

Various laws contain provisions against neglect of children. There were no statistics on child abuse within families, but it was believed to be widespread. Although there is legislation forbidding it, corporal punishment in schools was common. Observers alleged that women begging on the streets of Chisinau often sedated their babies in order to spend long hours begging without having to take time out to attend to their babies' needs.

Trafficking in girls for prostitution between 15 and 18 years of age remained a very serious problem (see Section 6.f.).

The situation of children in the country's orphanages was generally very poor. Official statistics from 2001 indicated that there were approximately 13,500 institutionalized children. An additional 5,000 children lived in adoptive homes, 4,500 more lived in foster homes or with legal guardians, and an unknown but large number lived with one or more grandparents. Not all of the institutionalized children were orphans; the number of children entrusted to the State by needy parents, or those leaving the country in search of work, reportedly was growing. NGOs estimated that up to 30,000 children were in institutions, including foster homes. Among the major problems in children's institutions were inadequate food, "warehousing" of children, lack of heat in the winter, and disease. Most of these problems were caused by lack of funding.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there were few government resources devoted to training persons with disabilities. The Government provided tax advantages to charitable groups that assisted persons with disabilities.

National/Racial/Ethnic Minorities.—According to the 1989 census, approximately 65 percent of the population are members of the titular nationality. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, that represents approximately 3.5 percent of the population lives primarily in the southern regions of the country and speaks Russian and Gagauz, a Turkic language. Official statistics put the Romaani population at 11,600 (less than 0.5 percent), although estimates from the OSCE and Romani NGOs ranged from 20,000 to 200,000 (up to 4.5 percent). The Government announced in 2000 that it would allocate money from the budget to conduct a national census in 2001; however, no action was taken by year's end.

Roma reportedly suffered violence, harassment, and discrimination. The European Roma Rights Center reported that officials in the country discriminated against Roma with regard to equal treatment, adequate housing, education, and access to public services. Local and international NGOs reported that Roma were victims of police beatings in custody, arbitrary arrest and detention, unlawful confiscation of personal property, and harassment by law enforcement officials and were subjected to societal violence and harassment.

On May 8, an 18-year old Rom was detained in Comrat without a warrant by three police officers, who beat him in custody and made ethnic slurs, according to the European Roma Rights Center.

Police and judicial officers rarely investigated or prosecuted violence and human rights abuses against Roma. However, on February 13, three police officers were charged with excessive use of force for the alleged beating with a revolver of two Romani teenagers in October 2001. Only one officer was found guilty and was sentenced on March 26 to 2 years' imprisonment, which was suspended, despite the crime carrying a 5 to 15 year prison sentence.

The Moldovan Helsinki Committee reported that in December 2001 two police officers in Chisinau beat a Romani couple, planted narcotics on the husband, and detained him for several months, during which time police repeatedly beat him and denied him medical attention. His trial began in early May and continued through July, during which time he remained in custody.

Roma were the poorest of the ethnic groups and often lived in segregated communities in unsanitary conditions lacking basic infrastructure. These conditions often led to segregated education with even fewer resources than in the rest of the country's schools. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education, unlike for other ethnic minorities.

Minority rights and the language question are closely related, particularly in the perceptions of the Russian-speaking minority and the Moldovan/Romanian-speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, Russian has tended to serve as a language for interethnic communication, continuing Soviet practice. After coming to power in February 2001, the new Communist majority in Parliament amended several laws to strengthen the use of Russian without making it an official language. In December 2001, the Communist faction in Parliament submitted to the Constitutional Court a bill making Russian the second official language but dropped it in January after it provoked protests (*see* Section 2.b.). On March 4, the Constitutional Court rejected the proposal, describing it as insufficiently specific. By law a citizen has the right to choose the language of interaction with government officials or commercial entities. Accordingly, officials are required to know both Russian and Moldovan/Romanian "to the degree necessary to fulfill their professional obligations." Many Russian speakers, including well-educated professionals, do not speak Moldovan/Romanian well or at all, while most educated Moldovan speakers know both languages. Representatives of Russian speakers argued for a delay in the implementation of legislation to permit more time to learn the language. Russian speakers were not discriminated against in practice, and the law has not been used to deny them work as state officials.

The Constitution provides parents with the right to choose the language of instruction for their children. In December 2001, the President implemented a decree that the Minister of Education issued in August 2001 making Russian a compulsory subject starting in the second grade (previously it was compulsory from the fifth grade). The Popular Christian Democratic Party organized protests against this decree and other policies of the Government (*see* Section 2.d), which led the Minister of Education to cancel the decree.

The Government's Department for Interethnic Relations organized two roundtables on the European Charter on Languages and Minorities in March and September, a conference on national policy and interethnic relations in the second half of the year, a symposium on Gagauz culture in September (with the participation of the Turkish Embassy), and a conference on Russian culture in December.

In the separatist Transnistrian region, discrimination against Moldovan/Romanian speakers continued. State schools were required to use the Cyrillic alphabet when teaching Moldovan/Romanian. (Until 1989, Soviet authorities recognized only the "Moldovan" language in the republic and required the use of Cyrillic script; they considered Romanian, in Latin script, to be a distinct language used only in Romania.) However, many teachers, parents, and students objected to this requirement, believing that it disadvantaged pupils who wished to pursue higher education opportunities in the rest of the country or in Romania. Although the 1989 language law requires use of the Latin script, Transnistrian authorities refused to abide by the law.

As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region used the Latin alphabet, and the salaries of teachers and textbooks were supplied by the central Ministry of Education. These schools were considered private schools by the local authorities and were required to pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The central government had no budgetary provisions to pay the high rents of such facilities, and as a result, classes were sometimes held in local homes or run in shifts in the few available buildings. Pressure from the Transnistrian authorities on these schools increased (*see* section 2.a.). The Ministry

of Education and the Romanian government supplied books to the Latin-script school in Tiraspol, and the UNHCR provided furniture and vehicles. The school continued to run three to four shifts per day to accommodate the number of students who desired this form of education.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and various laws provide for the right of any employee to found or join a union that defends workers' interests, and workers exercised these rights in practice. There were two unions—the Trade Union Confederation of Moldova (TUCM) and “Solidaritate” (Solidarity). The TUCM had approximately 80 percent of all union members, with the rest in “Solidaritate.”

The law prohibits discrimination against workers for union membership or activities, and there were no reports of actions taken against union members for engaging in union activities. The 2000 Trade Union Law provides that union leaders may not be fired from their jobs while in leadership positions without the consent of their superior union, and there were no reports of such firings during the year.

Unions may affiliate and maintain contacts with international organizations. The TUCM has been a member of the International Labor Organization (ILO) since 1992 (as a successor to the General Federation of Trade Unions or GFTU) and has also been affiliated with the International Confederation of Free Unions in Brussels since December 1997.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining and the right to organize unions, and the Government generally respected these rights in practice. Wages were set through a tripartite negotiation process involving government, management, and unions. The three parties met and negotiated national minimum wages for all categories of workers. Each branch union representing a particular industry negotiated with management and the Government ministries responsible for that industry. They may, and often did, set wages higher than the minimum set on the national level, especially if the industry in question is more profitable than average. At the enterprise level, union and management representatives negotiated directly on wages. They may set wages higher than negotiators on the industry level in this case as well. Labor disputes typically were settled in the workplace by a workplace arbitration committee. If an arbitration committee failed to settle the dispute, it was taken to the Courts of First Appeals. Court decisions involving the restitution of salary or a position were not implemented in all cases.

Neither government workers nor those in essential services such as health care and energy have the right to strike. In practice, other unions may strike if two-thirds of their members vote in a secret ballot to do so. No general or country-wide strikes took place during the year, although local strikes by teachers and doctors occurred in Edinet and Chisinau. In March a major 1-day strike by teachers, doctors, and cultural workers was organized in Chisinau by the Trade Union Confederation.

There were no export processing zones (EPZs), although legislation passed on July 27, 2001 provides for converting former free enterprise zones into EPZs. According to the legislation, the conversion period is expected to take 10 years and is slated to finish in 2011. The total number of such zones is six: Chisinau, Taraclia, Tvardita, Otaci, Vulcanesti, and Ungheni. The latter opened only at the end of the year.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The new Criminal Code, passed during the year and due to enter into force in 2003, increases the level of child labor protection, containing provisions specifically regarding the worst forms of child labor. During the year, a commission began drafting a new Labor Code for submission to Parliament. According to a Deputy Labor Minister, both new codes represent an attempt to bring domestic legislation up to the level of the county's international commitments.

The minimum age for unrestricted employment was 18 years. Employment of those between the ages of 16 and 18 was permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. Children often were sent to work in the fields or to find other work, and those living in rural areas often assisted in the agricultural sector. The Ministry of Labor and Social Protection has primary responsibility for enforcing these restrictions but did not do so actively. The Ministry of Health also has a role.

On February 14, Parliament ratified International Labor Organization Convention (ILO) 182 on the worst forms of child labor, which is scheduled to enter into force in the country on June 14, 2003. Article 183 of the new Criminal Code provides a punishment of 10 to 15 years imprisonment for trafficking in children and for involving children in the worst forms of child labor, as defined in ILO Convention No. 182. The article enumerates practices, such as commercial or non-commercial sexual exploitation, forced or compulsory labor, slavery or practices similar to slavery, use in armed conflict, and use in criminal activity. In cases of aggravating circumstances, the punishment can amount to a life-term imprisonment.

e. Acceptable Conditions of Work.—The legal minimum monthly wage was \$7.40 (100 Moldovan lei) for those employed by the state and \$11.10 (150 Moldovan lei) for those employed by private firms. Neither minimum wage provided a decent standard of living for a worker and family. A minimum of \$1.30 (18 Moldovan lei) continued to be used as a basis for calculating pensions, scholarships, and fines. According to preliminary data from the Department of Statistics, the average monthly salary during the year was \$51 (691.9 Moldovan lei). The average in the private sector was \$58.30 (791.2 Moldovan lei), and in the public sector \$41 (555.8 Moldovan lei). Due to severe budgetary constraints, the Government and private sectors often did not meet payrolls for employees.

The Constitution sets the maximum workweek at 40 hours, with extra compensation for overtime, and the Labor Code provides for at least 1 day off per week.

The Government is required to set and check safety standards in the workplace. Unions must strike and ask a court to impose a fine if safety standards are not met. Workers have the right to refuse to work, and they may continue to draw their salaries if working conditions represent a serious threat to their health. In practice the depressed economy has led enterprises to economize on safety equipment and show little concern for worker safety problems. Workers often did not know their rights in this area. According to the Labor Inspection's preliminary data, there were 54 labor accidents in the first 9 months of the year, affecting 60 persons, 24 of them resulting in death.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls was a very serious problem. Although no official statistics were available, the country was a major country of origin for women and girls who were trafficked abroad for prostitution. There have been unconfirmed reports by local NGOs of involvement by government officials; however, no official charges have been made.

The law prohibits trafficking and provides for severe penalties, starting with 10 to 15 years in prison and confiscation of property. The penalty is 15 to 25 years in prison and confiscation of property for repeated or serious offenses, such as trafficking: Of groups, minors, or pregnant women; through kidnaping, trickery or abuse of power; with violence; of body parts; or by a criminal organization. As of September 1, according to the Ministry of Internal Affairs, 412 files related to trafficking had been opened during the year, although only 30 were related directly to Article 113 passed in 2001 on trafficking in human beings. Of the latter, 20 were under investigation and 4 had been sent to court. By year's end, there were three convictions for trafficking in persons in the country, one of which was appealed.

Critics charged that the Government did not do enough to prosecute traffickers. According to IOM, trafficking crimes were difficult to prosecute in the country. Because the crime technically took place in another country, a perpetrator could be tried only if a victim testified against him or her. Victims in the country generally refused to testify because the traffickers threatened them or their families if they did so. This was particularly true in rural areas in closer, tight-knit societies where the fear and chances of being identified as well as stigmatized was much greater. The first two individuals were convicted and sentenced under the 2001 anti-trafficking article late in the year, both for trafficking for purposes of begging. According to an official of the Prosecutor General's office, until the new criminal code with its improved anti-trafficking language goes into effect, prosecutors found it easier to obtain convictions of traffickers under the article on procurement for prostitution. There were approximately 25 final sentences delivered under this article during the year. The law provides for a witness protection program, and police have placed guards outside of witnesses' homes.

Women and girls were trafficked to various locations, including Turkey, Cyprus, Greece, Italy, Hungary, Bulgaria, Slovakia, Bosnia, Macedonia, and the former Republic of Yugoslavia for prostitution. There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates, Portugal, France, Thailand, the United Kingdom, Spain, and Australia. Women and girls reportedly were trafficked to Italy and Greece through Romania, Serbia-Montenegro,

and Albania. The IOM reported that the country was the main origin in Europe for the trafficking of women and children for prostitution in the Balkans, Western Europe, and the Middle East and that more than 50 percent of the women working in prostitution in Kosovo were from the country. The Government of Turkey annually deported approximately 2,500 Moldovan women for prostitution. A prominent women's rights activist and Member of Parliament stated that more than 10,000 women from the country were working as prostitutes in other countries. However, the basis for this number was unclear, and some NGOs reported that it was very conservative.

According to the NGO Partners for Community, the target population for traffickers was young women, often minors, in rural areas. Women and girls typically accepted job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends or acquaintances approached young women and offered them help to get good jobs abroad. This "friend of a friend" approach most often was used in the countryside. Save the Children and the Association of Women in Law reported that many of the traffickers were women who targeted young girls in their own localities. Once they arrived at their destinations, traffickers took their passports, required them to "repay" sizeable sums, and forced them into sexual bondage. Traffickers commonly recruited women from rural villages, transported them to larger cities, and then trafficked them abroad.

Another pattern of trafficking involved orphans who must leave orphanages when they graduate, usually at 16 or 17 years of age, and have no source of funds for living expenses or continuing education. Allegedly, some orphanage directors sold information on when orphan girls are to be turned out of their institutions to traffickers, who approached them as they left. This pattern has become so well known that one foreign adoption service registered as an NGO and organized a "foster-an-orphan" program to help curb the practice. Individuals from abroad send money to support individual orphaned girls from age 16 or 17 until they reach the age of 18 and can work legally (*see* Section 6.d.). However, this sponsorship program is small compared with the number of orphan girls who become victims of traffickers each year.

The salaries of border guards and migration officials were low and frequently not paid regularly, making them vulnerable to bribery. The large profits of the trafficking industry financed the corruption of officials. According to a report by Save the Children, the Government did not want to stop any form of overseas employment that contributed to the economy with much-needed remittance money. The Moldovan Center for Strategic Study and Reforms charged that there was corruption at all levels.

The Government took some steps to prevent the trafficking of women and assist victims, although it only slowly began to address the problem and mostly in the area of legislation and prosecution. A government antitrafficking working group met in November 2001 and developed a national plan of action to combat trafficking and a timetable to accomplish its goals. The National Working Group met again in April and created three sub-groups, including: Prevention and Awareness Raising; Legislative Framework and its Enforcement; and Assistance and Social Rehabilitation of Victims of Trafficking. A special law enforcement unit within the Ministry of Internal Affairs also continued to operate. The Government provided specialized training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labor, funded by the OSCE and the Council of Europe. The country also participated in a Southeast European Cooperative Initiative Human Trafficking Task Force. The Government cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases, as well as with Interpol in cases in Yugoslavia. There were no government-operated assistance programs for victims.

Several NGOs made efforts, with foreign assistance, to combat the problem through information campaigns, repatriation assistance, temporary housing and medical care for victims, and job training. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGOs operated public school programs to educate young women about the dangers of prostitution, and in April 2001, the NGO Association of Women Lawyers established the Center for Prevention of Trafficking in Women with the support of a foreign government. It produced antitrafficking educational material, provided counseling to victims, and maintained a hot line for those in need of advice. In July 2001, the Center opened its first regional center, including a county hot line, in the town of Ungheni. In September 2001, the local branch of the NGO La Strada established another hot line. In 2000 the IOM established an office in Chisinau, and during the year, the organization began to receive funds from a foreign source which it used for informational programs and training for journalists about the dangers of trafficking. In September 2001, the IOM, with foreign government support, opened a women's shelter and

launched a campaign to educate young women about the dangers of trafficking. This campaign included the use of large billboards, informational spots on television and radio, and pamphlets. The shelter provided temporary emergency housing for victims, job training, and medical care (almost 100 percent of returned victims have contracted a sexually transmitted disease). In September the IOM received a large grant from the European Commission to focus on victim repatriation and reintegration, as well as efforts at prosecution of traffickers. The organization also received additional funds for its shelter, which was the only one in Chisinau.

MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 24-member National Council. There also are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions. The judiciary is independent.

In addition to the national police force, the "Carabiniers du Prince" carried out security functions. Government officials effectively controlled both forces.

The population was approximately 32,000, and the principal economic activities were services and banking, light manufacturing, and tourism. The economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Authority to change the Government and initiate laws rests with the Prince. The Penal Code prohibits public denunciations of the ruling family. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 7,000 residents who hold Monegasque nationality. Some remnants of legal discrimination against women persisted, particularly with regard to the transmission of citizenship. Monaco was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions generally met international standards. Women were held separately from men, and juveniles were held separately from adults. The Government permits visits by human rights observers; however, there were no such visits during the year. After prisoners receive definitive sentences, they are transferred to a French prison to serve out their prison term.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees.

The Penal Code prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—Under the Constitution, the Prince delegates his judicial powers to the judiciary. The law provides for a fair, public trial, and the independent judiciary generally respected these provisions in practice. The defend-

ant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, the Penal Code prohibits public denunciations of the ruling family, a provision that the media generally respected in practice.

Several periodicals were published. There were no domestically published daily newspapers. Foreign newspapers and magazines circulated freely, including French journals that specifically covered news in the Principality. Foreign radio and television were received without restriction. Stations that broadcast from the Principality operated in accordance with French and Italian regulations. There were no restrictions on access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations must be registered and authorized by the Government, and there were no reports the Government withheld registration for political or arbitrary reasons.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism is the state religion.

No missionaries operated in the principality and proselytizing was strongly discouraged; however, there is no law against proselytizing by religious organizations formally registered by the Ministry of State.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Residents moved freely within the country and across its open borders with France. Nationals enjoyed the rights of emigration and repatriation; however, they can be deprived of their nationality for specified acts, including naturalization in a foreign country. Only the Prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Authority to change the Government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince played an active role in government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French government. He also names the three Counselors of government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. Each is responsible to the Prince.

Only the Prince may initiate legislation, but the 24-member National Council may propose legislation to the Government. All legislation and the adoption of the budget

require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting.

The Constitution provides for three consultative bodies. The seven-member Crown Council, composed exclusively of Monegasque nationals, must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The President and three members of the Crown Council are chosen directly by the Prince for 3-year terms. The three other members are proposed by the National Council, also for 3-year terms; the Prince then ratifies their selection.

The 12-member Council of State, which is not restricted to Monegasque citizens, advises the Prince on proposed legislation and regulations. The Council of State is presided over by the Director of Judicial Services, usually a French citizen. The Director and other members are nominated by the Minister of State; their nominations are ratified by the Prince.

Women were active in public service. The Mayor of Monaco, one member of the Crown Council, five members of the National Council, and four members of the Economic Council were women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed. Foreign groups did not seek to investigate human rights conditions in the country.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that all nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents, such as freedom of inviolability of the home.

Women.—Reported instances of violence against women were rare. Marital violence is prohibited strictly, and any wife who is a victim may bring criminal charges against her husband.

Women were represented fairly well in the professions; however, they were represented less well in business. Women received equal pay for equal work, and there were no reports of sexual harassment.

The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire Monegasque citizenship by naturalization could not transmit it to their children, whereas naturalized male citizens could.

Children.—The Government was committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provided compulsory, free, and universal education for children up to the age of 16.

There was no societal pattern of abuse of children.

Persons with Disabilities.—There was no governmental or societal discrimination against person with disabilities. The Government mandated that public buildings provide access for persons with disabilities, and this goal largely has been accomplished.

Section 6. Worker Rights

a. The Right of Association.—Workers were free to form unions, but fewer than 10 percent of workers were unionized, and relatively few workers, unionized or non-unionized, resided in the Principality. Unions were independent of both the Government and political parties.

Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

The Monegasque Confederation of Unions was not affiliated with any larger labor organization but was free to join international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for the free exercise of union activity, and workers exercised this right in practice. Agreements on working conditions were negotiated between organizations representing employers in a given sector of the economy and the respective union. Collective bargaining is protected by law; however, it was used rarely.

The Constitution provides for the right to strike in conformity with relevant legislation; however, government workers may not strike. There were no strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old.

e. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage, which at year's end was \$7.10 (6.83 euros), plus 5 percent. The 5 percent adjustment was intended to compensate for the travel costs of the three-quarters of the workforce who commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum. The legal workweek was 39 hours. The Government allows companies to reduce the workweek to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards were enforced by health and safety committees in the workplace and by the Government Labor Inspector. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

THE NETHERLANDS

The Netherlands is a constitutional monarchy with a parliamentary legislative system. The Prime Minister and a Cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. The bicameral Parliament is elected through free and fair elections. The judiciary is independent.

Regional police forces were primarily responsible for maintaining internal security. The police, the Royal Constabulary, and investigative organizations concerned with internal and external security generally were under effective civilian authority.

The market-based economy was export oriented and featured a mixture of industry, services, and agriculture. The country had a total population of approximately 16.2 million. Living standards and the level of social benefits were high. Unemployment was approximately 3 percent, with an additional 10 percent of the workforce on full or partial disability. Long-term unemployment, particularly among ethnic minorities, remained a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Violence and discrimination against women existed, as did child abuse. Discrimination and some violence against minorities continued to be a concern. Trafficking in women and girls for prostitution was a problem. The Government took steps to deal with all of these problems. The Netherlands was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Aruba and the Netherlands Antilles are two autonomous regions of the kingdom; they also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally was the same as in the Netherlands; however, the islands' prison conditions remained substandard.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In May police arrested an animal rights activist for the killing of Populist politician Pim Fortuyn, who was shot shortly before the May elections (*see* Section 2.c.)

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

There were sporadic incidents of rightwing and racist violence against religious and ethnic minorities (see Sections 2.c. and 5).

Prison conditions in the country generally met international standards. Male and female prisoners were held separately. In addition, juvenile prisoners were held separately from adults and pretrial detainees were held separately from convicted criminals. The Government permitted visits by independent human rights monitors, but no such visits were known to have taken place during the year.

In 2001 the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) urged the Governments of the Netherlands Antilles and Aruba to improve conditions at Curacao's Koraal Specht (now Bon Futuro) prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, violence, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. In response to CPT criticism the Justice Minister set up the Kibbelaar Committee early in 2001. In September 2001, it found that prison guards on Curacao and St. Maarten routinely smuggled drugs and firearms into the prison and allowed breakouts and sexual assaults to occur. The Justice Minister subsequently suspended 175 of the 202 guards, and put the regular police in charge of guarding the prisons.

The Government repeatedly has provided financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum-security facility, and other improvements at Bon Futuro. The Government also sent experts on prison organization and the training of guards. In 2001, the Government of the Netherlands Antilles renovated the entire prison complex and changed the prison's name from Koraal Specht to Bon Futuro. Construction of a new wing relieved overcrowding. At the request of the Antillean government and with funds from the Dutch government, a private foreign company supplied expert personnel who reorganized prison management and trained mid-level staff for a period of a year. During the year, the St. Maarten police cells were repainted and received new fixtures; however, reports continued of unsanitary conditions and lack of bedding.

The Governments of the Netherlands Antilles and Aruba allowed access by independent human rights observers to prisons; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

Criminal investigations were conducted by police officers, who acted under the authority of the public prosecutor. A prosecutor or senior police officer must order arrests. Police officers could question suspects for a maximum of 12 hours and could detain a suspect for up to 6 days upon an order of the public prosecutor. If the prosecutor believed an investigation was necessary, he was required to request a preliminary judicial inquiry from the investigative judge, who then assumed responsibility over the investigation. Defense attorneys had the right to be present during any questioning.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handled both criminal and civil cases. The Supreme Court acted as the highest appellate court and ensured the uniform interpretation of the law.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. In 2001 both the judiciary and the public prosecutor introduced procedures whereby complaints could be filed for perceived impolite or rude treatment by either a judge or prosecutor. The law instructs that defendants be fully informed at every stage of criminal proceedings. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low-income persons), and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

There were dozens of national and local newspapers and magazines, 3 public and 6 commercial television stations, and 5 public and 12 commercial radio stations. The media was independent. Access to the Internet was unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government provided subsidies to religious organizations that maintained educational facilities.

In past years, the courts and the Equal Opportunity Committee addressed repeatedly the issue of whether Muslim women and girls could wear headscarves. The prevailing decisions have held that the wearing of headscarves may be banned only on narrow grounds, such as a concern for safety or inconsistency with an official government uniform. Muslims comprised approximately 5 percent of the population.

The Center for Information and Documentation on Israel (CIDI) reported sporadic anti-Semitic incidents during the year. Most such instances involved physical and verbal intimidation of Jews perpetrated primarily by Arab youths. For example, in March, a boy wearing a yarmulke was beaten by Moroccan youth in front of the Portuguese-Israeli synagogue in Amsterdam. There were no serious attacks on synagogues or Jewish shops during the year.

In late 2001, there was a sharp increase in anti-Muslim incidents, including vandalism, arson, the defacing of mosques or Islamic institutions, harassment, and verbal abuse in public places, directed particularly at women wearing headscarves. During the year, there were few incidents of arson or defacing of mosques and Islamic institutions, but Muslims frequently were subjected to verbal or physical intimidation, as the overall public attitude towards Muslims became less tolerant.

Populist politician Pim Fortuyn, who was killed shortly before the May general elections, received broad support for his characterization of Islam as a backward culture that was intolerant toward women and homosexuals and that allowed practices from the Middle Ages. The consequent backlash against the Muslim community worsened with growing resentment of Moroccan youth gangs held responsible for a major rise in crime.

In other areas, antidiscrimination boards rebuked employers publicly for failing to allow non-Christians to take leave from work on their religious holidays and for objecting to Sikhs wearing turbans, to Muslim women wearing headscarves, or to the observance of food requirements on religious grounds.

The Discrimination in Internet Registration Center registered 691 complaints in 2001, including 197 complaints about anti-Semitic statements and 71 about anti-Islamic statements.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees, and other humanitarian organizations in assisting refugees. The Government did not provide first asylum; however, asylum seekers were permitted to apply for residence status, except those (approximately 40 percent) who obviously came from a so-called safe country of origin or stayed for some time in a safe third country. In 2000, the last year for which statistics were available, the Government turned down 83 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay in the country temporarily on humanitarian grounds or for so long as their country of origin was considered unsafe.

The Government's asylum policy was designed to protect genuine refugees while excluding economic migrants and illegal immigrants. In 2001 the Aliens Act entered into force with the aim of discouraging economic migrants at all stages of the asylum process through a stricter intake, the accelerated processing of asylum requests, limited appeal procedures, and the denial of social assistance to asylum seekers who

were rejected. These measures resulted in a sharp decrease in asylum seekers from approximately 43,000 in 2000 to approximately 33,000 in 2001 and fewer than 20,000 during the year.

The Justice Ministry estimated that half of all asylum seekers came to the country via alien smuggling organizations.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

Parliamentary elections were held in May. There were no restrictions in law or in practice that hindered the participation of women and minorities in government and politics. Approximately one-third of the 150 members of the second chamber of Parliament were female, as was 1 of 15 cabinet ministers. The Government pursued an active policy to promote the participation of women in politics and public administration. Although women were a minority, they also held positions in the Parliaments and Cabinets of the Netherlands Antilles and Aruba.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

The Government has a long tradition of hosting international legal tribunals and facilitated the trial, conducted under Scottish law, of two Libyans accused of the 1988 bombing of Pan American Flight 103. The Government also hosted the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, and the headquarters of the International Criminal Tribunal for Rwanda.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of any of these factors or political preference as well as sexual orientation. Under the Equal Treatment Act, complainants may sue alleged offenders under civil law.

Women.—Societal violence against women was a problem. A 2001 report by the Social Affairs Ministry showed that each year approximately 200,000 women in the country, particularly ethnic minorities, were victims of violence by their former or present spouses or partners. Each year approximately 50,000 women suffer from serious violence, defined as battering, physical and mental abuse, manslaughter, and sexual violence, and 60 to 80 die of domestic violence. Marital rape is a crime and carries the same penalty as nonmarital rape, a maximum of 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery. Fewer than 10 percent of victims of domestic violence reported to the police; most cases were not reported out of fear, shame, or guilt. Each year approximately 800 men were prosecuted for battering their partners. The Government estimated the costs to society caused by violence against women at approximately \$148 million (150 million euros) per year.

The Government supported programs to reduce and prevent violence against women. There was a network of 48 government-subsidized shelters offering the services of social workers and psychologists to battered women. In addition, battered women who left their domestic partners became eligible for social benefits, which included an adequate basic living subsidy as well as an allowance for dependent children. In addition to helping victims of sexual abuse, the Government pursued an active prevention campaign through media commercials and awareness training of educators. Nongovernmental organizations (NGOs) also advised and assisted women who were victims of sexual assault.

Prostitution is legal if the person is over 17 years of age and engages in the work voluntarily; however, organizing the prostitution of another person is a crime even if done with the consent of the prostitute. It is illegal to force a person into prostitution (see Section 6.f.). All brothels required licenses issued by local governments with strict conditions to be observed by brothel owners. The Government believed that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution would be less

susceptible to criminal organizations trafficking in women and children. The licensing system in principle also makes prostitution more transparent and easier for the police to monitor; however, trafficking in women for the purpose of prostitution remained a problem, despite government efforts to combat it (see Section 6.f.). Between 20,000 and 30,000 persons were employed in the sex trade, and an estimated half of all prostitutes originated in non-European Union (EU) countries and resided in the country illegally.

The law requires employers to take measures to protect workers from sexual harassment; however, research showed that approximately 245,000 women, or 6.6 percent of the female working population, were intimidated sexually in the work place each year. The Government funded an ongoing publicity campaign to increase awareness of the problem. As the largest employer, the Government has taken measures to counter harassment among civil servants, including in the police force.

Women increasingly entered the job market, but traditional cultural factors and an inadequate number of day care facilities tended to discourage women—especially women with young children—from working; one-third of women permanently stopped working after the birth of their first child. In 2001 approximately 65 percent of women between the ages of 15 and 65 held paying jobs and about 58 percent of these worked part time. The social welfare and national health systems provided considerable assistance to working women with families. Women were eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows both parents to take unpaid full time leave for 3 months and to extend that leave for more than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also were entitled to parental leave.

Nevertheless women often were underemployed, had less chance of promotion and held lower level positions than men, primarily because of their part-time work status. According to the Ministry of Social Affairs and Employment, women working in the private sector on average earned 23 percent less than men, although when adjusted for level of experience and expertise required for the jobs, this differential was reduced to 7 percent.

The Government provided affirmative action programs for women. Collective labor agreements usually included one or more provisions to strengthen the position of women. The law mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursued complaints of discrimination in these areas as well as allegations of pay discrimination.

Children.—The Government worked to ensure the well being of children through numerous well-funded health, education, and public information programs. Compulsory education ends at age 16, or after at least 12 years of education. Education was free for children between 4 and 16, although schools could ask for a voluntary contribution from parents. Vocational education was also free, except for the cost of books and materials. Approximately 10 percent of students left secondary school before attaining a certificate. Government-licensed Islamic schools were obliged to follow the same curriculum requirements as other schools.

According to the Child Abuse Reporting and Advisory Center, an estimated 40,000 to 80,000 children were victims of child abuse each year, although only approximately 20,000 formal reports of child abuse were registered. As a result of abuse, 40 to 50 children die each year. In June the Dutch Children's Rights Collective, which included organizations such as UNICEF Nederland, concluded in a report that the Government was violating the U.N. Convention on Children's Rights, particularly criticizing the long waiting list for assistance to abused children. There were approximately 7,000 abused children on the waiting list at year's end. The Council for the Protection of Children, which operated through the Ministry of Justice, enforced child support orders, investigated cases of child abuse, and recommended remedies ranging from counseling to withdrawal of parental rights. The Government also maintained a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis.

The age of consent is 16. Sexual intercourse with minors under age 12 is a criminal offense. Amendments to the Public Morality Act, enacted in July, allow for the prosecution of sexual abusers of children between the ages of 12 and 16 without the earlier requirement that interested parties file a complaint. The law imposes penalties on prostitution activities involving minors; maximum penalties vary between 6 years' imprisonment for sex (in the context of prostitution) with minors under age 18, 8 years for sex with minors under 16 years of age, and 10 for sex with minors less than 12 years. Under the law, citizens and persons having a permanent residence in the country who abused minor children in foreign countries could be tried

and convicted even if the offense is not a crime in the country where it took place. Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The maximum penalty for the distribution of child pornography is 4 years' imprisonment and 6 years' in the event of financial gain. The law allows for provisional arrest, house searches, and criminal financial investigations. The possession of child pornography was punishable by law, but exemptions were made for scientific or educational use. However, these exemptions caused some problems; for example, in the past owners claimed that child pornographic collections were of historical value. In July the Public Morality Act raised the age at which minors were allowed to perform in pornographic films from 16 to 18, which corresponded to the age requirement in the International Labor Organization (ILO) Convention against the (sexual) exploitation of children, as well as to the national minimum age for working in the prostitution sector. The Act also criminalizes the electronic manipulation of images of children for sexual purposes.

The Government continued its campaign against child pornography on the Internet.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, according to the Dutch Council for Chronic Patients and the Handicapped, public buildings and public transport were often not easily accessible. Approximately 10 percent of the work force was on full or partial disability. The Equal Treatment Act of Handicapped People and the Chronically Ill, adopted in September, requires the equal treatment of persons with disabilities and those who suffer from chronic diseases. It was scheduled to take effect in January 2003. The law bans discrimination of persons with disabilities in employment, education, and public transport.

National/Racial/Ethnic Minorities.—The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers. Of a total population of 16.2 million, approximately 3 million were of foreign origin, including 1.6 million who belong to an ethnic minority group, principally Turkish, Moroccan, Surinamese and Antillean. Government policies that were broad in scope and intent promoted the integration of racial and ethnic minorities, and in general citizens supported integration and were averse to discrimination and unequal treatment; however, integration remained a problem, and immigrant groups faced some discrimination. Various NGOs, some of which were funded by the Government, monitored violations.

Members of immigrant groups face some discrimination in housing and employment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average. These actions have significantly reduced the rate of unemployment among ethnic minorities from 16 percent in 1998 to 9 percent in 2001; however, the minority unemployment rate was 3 times that of the ethnically Dutch workforce. The Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities; it requires employers with a work force of over 35 persons to register their non-Dutch employees, and employers were to strive for a composition of their work force that reflects the regional working population. The Labor Inspectorate oversees implementation of the law.

In 2000 several ministries, government job centers, and the Dutch Small Business Association pledged to find jobs for some 20,000 persons from ethnic minorities before May 2001. Since then, the program twice was extended; and an estimated 62,000 new jobs have been created.

The Government pursued an active campaign to increase public awareness of racism and discrimination. Civil and criminal courts, as well as the Equal Opportunities Committee, the National Ombudsman, the Commercial Code Council, the Council, addressed complaints about racism and discrimination for Journalism, the European Court of Justice, and the European Human Rights Court. The majority of criminal cases concerned racist defamation. Civil lawsuits often concern discrimination in the supply of services, such as supplemental conditions for non-ethnic Dutch to obtain a mobile phone or to gain access to clubs. The Equal Opportunities Committee primarily addresses incidents of discrimination on the labor market, including discrimination on the work floor, unequal pay, termination of labor contracts and preferential treatment of non-ethnic employees.

In 2001 the Council of Chiefs of Police has adopted a series of measures to improve police awareness of incidents of discrimination. These measures included the appointment of a contact person for discrimination in each of the 25 regional police forces, the establishment of a National Bureau of Discrimination Cases (which acts as a clearing house and database for police forces nation-wide) and the establish-

ment of a national registration system of cases of racism and discrimination to provide a comprehensive database of such cases.

The Prosecutor's Office also has established a National Expertise Center on Discrimination that collects information, maintains a database on cases, and provides courses to prosecutors handling cases of discrimination.

The Government-sponsored National Association of Anti-Discrimination Bureaus, established in 1999 to combat racial discrimination maintains information collected by local antidiscrimination bureaus. It registered approximately 3,900 complaints in 2001, the last year for which figures were available.

With the proliferation of Internet web sites, the dissemination of racial and discriminatory material also has increased. The privately run Discrimination on the Internet Registration Center received 691 complaints in 2001, compared with 550 in 2000. Of these, 370 complaints qualified as discrimination in the sense of the law. Most complaints concerned racist statements (507); 197 were of an anti-Semitic, and 71 of an anti-Islamic nature. For 360 cases, the center requested that the statements be removed from Internet, which was done in 312 cases. In 12 cases, the Internet provider issued a warning to the customer at the Center's request. In 9 cases, the Internet provider blocked the customer accounts. In 2001 11 cases were passed on to the prosecutor's office; a few of these cases eventually resulted in convictions. Over 70 percent of such statements were removed voluntarily at the center's request. There have been only two convictions in the past few years for offenses committed that involved the Internet.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right. Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Unions were free of control by the Government and political parties. Union members could and did participate in political activities. Approximately 28 percent of the work force was unionized; however, union-negotiated collective bargaining agreements usually were extended to cover approximately three-quarters of the work force. The white-collar unions' membership was the fastest growing. There were three trade union federations. The largest was the FNV Trade Union Federation (FNV), with approximately 1.23 million members, followed by the Christian Trade Union Federation (CNV), with approximately 354,000 members, and the MHP Trade Union Federation for Staff and Managerial Personnel, with approximately 200,000 members. Unions were free of government and political party control.

Antiunion discrimination is prohibited, and there were no reports that it occurred. Union federations and employers' organizations were represented, along with independent experts, on the Social and Economic Council. The Council was the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

Unions were free to affiliate with national and international trade union federations. The three union federations were active internationally, without restriction.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and specific laws provide for the right to collective bargaining; workers exercised this right. Collective bargaining agreements were negotiated in the framework of the so-called Social Partnership developed between trade unions and private employers.

Representatives of the main union federations, employers' organizations, and the Government met each year to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions led to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiated sectoral agreements, which the Government usually extended to all companies in the sector. Collective labor agreements usually had one or more provisions to strengthen the position of women (*see* Section 5).

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations were very harmonious, and strikes were infrequent. In 2001 approximately 45 out of 1,000 labor days were lost, mostly over union demands for higher pay and a 36-hour workweek. By law retribution against striking workers is prohibited, and the Government generally respects this prohibition in practice.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well being. The tripartite Labor Commission, which monitored hiring practices and conducts inspections, enforced these laws effectively.

Holiday work and after school jobs are subject to very strict rules set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. The Social Ministry's Labor Inspection Office oversaw observance of the rules. Although child labor is banned, an increasing number of children worked for pay during holidays. The parents of such children were to be reported officially by labor inspectors, and the Public Prosecutor could prosecute the parents for violating the ban on child labor. In 2001 labor inspections showed that more than half of companies violated the regulations applying to holiday work, including by employing children under the age of 13. In February the Ministry of Social Affairs, in cooperation with the ILO and the International Association of Labor Inspection, organized an international child labor conference.

e. Acceptable Conditions of Work.—The minimum wage for adults is established by law and can be adjusted every 6 months to reflect changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage was approximately \$1,194 (1,206 euros) per month. For workers earning the minimum wage, employers paid \$2,400 per year (2,412 euros) in premiums for social security benefits, which included medical insurance. The legislated minimum wage and social benefits available to minimum wage earners provided an adequate standard of living for a worker and family. Only 3 percent of workers earned the minimum wage because collective bargaining agreements, which normally were extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and decrease employers' social payments in order to lower the cost of hiring new workers and create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young persons under the age of 23—one of the groups with the highest rate of unemployment—and was intended to provide incentives for their employment. This wage ranged from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs was 37.5 hours. Anyone working more than 4.5 hours per day was entitled to a 30-minute break. This workweek was the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. The law prohibits employers from treating part-time workers differently from those in full-time jobs.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, were monitored actively and enforced effectively by the tripartite Labor Commission. The Ministry of Labor and Social Affairs also monitored standards through its Labor Inspectorate. Workers could remove themselves from dangerous work conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—The law specifically criminalizes alien smuggling and trafficking in persons; however, trafficking was a problem.

The maximum sentence for trafficking in persons is 6 years' imprisonment. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien smuggling is 8 years. The 2000 Prostitution Law, which prohibits the illegal employment of prostitutes in the country, allowed the Government to intensify its fight against criminal organizations trafficking in women and children (see Section 5).

The Government actively investigated and prosecuted traffickers. In 2001 authorities prosecuted 86 trafficking cases of which 75 resulted in convictions.

The Government actively combated trafficking in persons. The Ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and Health, and Social Affairs were involved, and a number of local police forces established special units to deal with trafficking. Since 2000 the National Rapporteur on Trafficking in Persons, an independent, publicly funded agency, has reported annually to the Government on the nature, extent, and mechanisms of trafficking, as well as on the effects of national

policies. Its first report in May included a number of recommendations to the Government: An expansion of the national definition of trafficking in persons to include social-economic exploitation in sectors other than prostitution; a more active fight against (organized) traffickers; and more attention to victims. The Government also cooperated closely with other government on trafficking, and EUROPOL, established in The Hague, provided analytical support and administrative expertise to EU member-state law enforcement agencies on trafficking matters. The Justice Ministry also cofinanced the La Strada program, aimed at preventing trafficking in women in Central and East European countries.

Women and girls were trafficked into the country from countries around the world, including Nigeria, Thailand, the Philippines, China, and countries in South America and Central and Eastern Europe. The country was also a transit country. Although there were no reliable statistics, NGOs and the police estimated the number of women and girls trafficked for the purpose of prostitution ranged from 1,000 to 3,600 women each year. The National Criminal Investigation and Information Service (NRI) believed that one out of five of the approximately 17,500 prostitutes working in the country was a trafficking victim.

Internal trafficking was a problem. According to a report published by the NRI in March, approximately 25 percent of girls forced to work as prostitutes were citizens, mostly of Moroccan, Surinamese, or Netherlands Antillean origin. They were mostly drug-dependent, and were easily recruited in schools and discos by youthful procurers, commonly known as loverboys. These loverboys were primarily young Moroccans or Turks living in the country who enticed young girls into prostitution. The girls are later sold to other traffickers, who exploited them in other parts of the country. Local governments have initiated a school campaign to warn girls of the danger of loverboys.

The Immigration and Naturalization Service (IND) reported the disappearance of youthful asylum seekers (AMA's), particularly Nigerian and Chinese girls, from refugee centers who were later found in the illegal prostitution business. The Government has taken measures to combat this problem through better registration of asylum seekers and by placing young female asylum seekers in special shelters.

African women, in particular those from Nigeria, made up a sizeable portion of foreign women working illegally as prostitutes. According to the authorities, the most widely used method for trafficking African women was the fraudulent use of special asylum procedures for minors, who were virtually ensured entry. Most women trafficked from Africa claimed to be under the age of 18, although not all were. Once at the asylum center, they remained for a few days and then disappeared, only to turn up later as prostitutes in the country or elsewhere in Europe. Most of these women were under extreme pressure to work as prostitutes.

A 2000 study of prostitutes from Central and Eastern Europe indicated that five out of six women liberated from trafficking organizations in the country knew that they were to be employed in the sex industry when they accepted the offer of their recruiters. However, upon their arrival, they often were treated as slaves, physically abused, intimidated, threatened, and physically confined by their captors.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations were completed. Victims were allowed 3 months to consider pressing charges, and victims who did so were allowed to stay in the country until the judicial process was completed. During this period, victims received legal, financial, and psychological assistance. In special circumstances, residence permits were granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries were eligible for temporary financial assistance.

The Government subsidized NGOs working with trafficking victims, including the Dutch Foundation Against Trafficking in Women, which was an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims of trafficking.

NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the Head of State. It is governed by a prime minister, cabinet, and a 165-seat Parliament (Storting) that is elected every 4 years through free and fair elections; it cannot be dissolved. The judiciary is independent.

The national police have primary responsibility for internal security; however, in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are

under police authority. The civilian authorities maintained effective control of the security forces.

The country, which is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents, had a population of approximately 4.5 million. The key industries were oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing (including fish processing equipment). The leading exports were oil and gas, manufactured goods, fish, and metals. The economy was characterized by low unemployment and labor shortages in many sectors.

The Government generally respected the rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Violence against women and abuse of children existed. There were reports of trafficking in persons. Norway was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In January three persons were sentenced to prison for the 2001 killing of a boy of African parentage. (*see* Section 5).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately. Juveniles were not held separately from adults; however, it was extremely rare for juveniles to be held in prison. Juveniles generally were cared for by social welfare authorities. Pretrial detainees were held separately from convicted prisoners.

The Government permits visits by independent human rights observers, although there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The law authorizes the Government to use forced exile, and this practice is used in rare cases.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system consists of the Supreme Court, the Supreme Court Appellate Court, superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (composed of parliamentarians), the labor court, trusteeship courts, fishery courts, and land ownership severance courts.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Courts provide counsel to the indigent.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice; violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

There were 177 newspapers, 5 national television stations, and 6 national radio stations in the country. In addition, there were numerous regional and local newspapers and television and radio stations. Two television channels and five radio channels were state-owned. Access to the Internet was widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State and to which 87 percent of the population nominally belong. The Constitution requires that the King and one-half of the Cabinet belong to this church. Public debate on the relationship between church and state increased during the year. Other denominations operated freely.

A religious community is required to register with the Government only if it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership.

A 1995 law introduced the subject “Religious Knowledge and Education in Ethics” into the school system. The course covers world religions and philosophy and promotes tolerance and respect for all religious beliefs; however, based on the country’s history and the importance of Christianity to society, the course devotes the most time to Christianity. All children must attend this mandatory course, and there are no exceptions for children of other faiths; students may be exempted from participating in or performing specific religious acts such as church services or prayer, but they may not forgo instruction in the subject as a whole. Organizations for atheists as well as Muslim communities have contested the legality of forced religious teaching. In 2001 Parliament concluded that steps should be taken to make it easier for parents to request that their children be exempted from parts of the class and directed the Ministry of Education to draft a standard form for this purpose, which was sent to all schools. Schools were instructed to implement the use of the form. In 2001 the Supreme Court unanimously rejected the Norwegian Humanist Association case claiming that the teaching of this class was a breach of freedom of religion and a parent’s right to make choices for their children. On September 17, the Norwegian Humanist Association brought the case before the European Court of Human Rights where it remained pending at year’s end.

The Workers’ Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools and day care centers whether they will respect and teach Christian beliefs and principles.

Muslims encountered some difficulties in obtaining local permission to build mosques in areas where they were concentrated.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylee status in accordance with the the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government grants first asylum. In 2001 the Government granted protective residency (which entails the granting of permanent residence permits) to 5,906 persons. The total included: Political asylum for 292 persons; temporary collective residency permits for 40 Iraqi Kurds; and asylum as U.N. quota refugees for 1,269 persons. Immigration authorities rejected 8,976 applications for protective residency. In addition, 12,095 persons received residency status through a family reunification program.

In 2001 the number of persons seeking asylum increased by 36 percent to 14,782 persons. In late 2001, the Government allocated additional resources to the Immigration Directorate, which initiated reforms to speed up application processes for the increasing numbers of asylum seekers and to meet new demands as a growing number of applications were considered to be unjustified.

In 1999 the Government granted temporary collective protection and 1-year residence permits to 8,000 Kosovar Albanians,

1,500 of whom returned voluntarily to Kosovo in 2000. Of those who had returned to Kosovo, 1,200 returned to Norway as refugees later in 2000. Kosovar Albanians remaining in the country were required to apply for asylum, and most did so. By the beginning of the year, the Immigration Directorate had processed most of these Kosovar Albanian asylum applications: 135 were granted asylum; 904 were granted residency on humanitarian grounds; and 4,500 were rejected.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women were increasingly well represented at all levels of government. No restrictions in law or practice hindered women's participation in government and politics. There were 57 women in the 165-seat Parliament, women headed 8 of the 19 government ministries, chaired 5 of 15 standing committees in Parliament, and headed 2 of the 6 main political parties.

In addition to participating freely in the national political process, the Norwegian Sami (formerly known as Lapps) elect their own constituent assembly, the Sameting. Under the law establishing the 39-seat body, the Sameting is a consultative group, which meets regularly to deal with "all matters, which in [its] opinion are of special importance to the Sami people." In practice the Sameting has been most interested in protecting the group's language and cultural rights and in influencing decisions on resources and lands where Sami are a majority (*see* Section 5). A report on the activity of the Sami Assembly is submitted to Parliament annually, and every 4 years a report on the main principles of Norwegian Sami policy is presented in Parliament. In 2001 the Council of State appointed a new Sami Rights Committee. During the year, the Government established a Center for the Rights of Indigenous People as a follow-up to the Government's Plan of Action for Human Rights. The Center sought to increase knowledge and understanding of the rights of indigenous people and the rights of the Sami by collecting and disseminating information identifying research needs. The Government transferred funds for a number of Sami cultural institutions to the Sami Assembly to make it directly responsible for the Sami cultural heritage.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

The Ministry of Foreign Affairs oversees the human rights portfolio. In 2000 the Parliament issued a white paper on human rights that stressed the importance of incorporating human rights into law and society in general. Based on the principle that each cabinet minister is responsible for promoting human rights in his or her field, the Government established a separate committee of state secretaries responsible for ensuring that human rights issues receive political emphasis and attention.

There is a parliamentary ombudsman for public administration who is also responsible for promoting human rights through his work on individual cases.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally enforced this prohibition in practice; however, violence and sexual harassment against women remained problems.

Women.—Violence against women, including domestic violence, was a problem. In 2001 there were 653 rapes reported, with 41 convictions. The police believed that increases in reported rapes and domestic abuse were due largely to greater willingness among women to report these crimes. The police investigated and prosecuted such crimes with vigor and also have instituted special programs to prevent rape and domestic violence and to counsel victims. Following up on its 2000 plan of action to prevent domestic violence against women, the Government established a Forum on Violence Against Women to assess how public services deal with women who have been subjected to violence and abuse. Public and private organizations ran several shelters that gave battered women an alternative to returning to a violent domestic situation. Each of the country's 19 counties had a number of such shelters. In 2001 the country's shelters registered 42,200 overnight stays.

There were reports of trafficking in women for prostitution (*see* Section 6.f.).

The Gender Equality Ombudsman—charged with enforcing the Gender Equality Act—processed complaints of sexual discrimination. In 2001 there were 337 complaints and 525 telephone inquiries to the Ombudsman; women filed approximately 50 percent of the complaints, men filed 33 percent, organizations filed 14 percent, and the ombudsman's office directly filed 5 percent.

An amendment to the Working Environment Act provides that "employees shall not be subjected to harassment or other unseemly behavior." Employers that violate

these provisions, including the harassment clause, are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

The law protects the rights of women. According to the law, "women and men engaged in the same activity shall have equal wages for work of equal value"; however, according to the equal rights ombudsman's office, which monitors enforcement of the law, women generally received 10 to 15 percent less pay and benefits than men for work of "equal value."

In July Parliament amended the Gender Equality Act to improve the position of women in society. The Act applies to all sectors of society, with the exception of the internal affairs of religious communities.

Children.—The Government is committed strongly to children's rights and welfare; it amply funds systems of education and medical care. The Government provides free education for children through the postsecondary level. Education is compulsory for 10 years, or through the ninth grade; most children stay in school at least until the age of 18. There was no difference in the treatment of girls and boys in education or health care services. An independent Children's Ombudsman Office, within the Ministry of Children and Families, is responsible for the protection of children under the law.

Abuse of children was a problem. In 2001 a total of 697 sexual assaults by non-family members and 120 assaults by family members were reported. In 2001 welfare services assisted 33,312 abused or neglected children, 6,215 of whom were taken from their homes and placed in government institutions or in respite homes.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

Indigenous Persons.—The Government has taken steps to protect the cultural rights of the indigenous Sami by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami (*see* Section 3). A Deputy Minister in the Ministry of Local government and Regional Affairs deals specifically with Sami issues. The royal family supported the Sami through their interest in Sami culture and by visiting Sami areas.

National/Racial/Ethnic Minorities.—In 2001 a 15-year-old boy with an African father was killed in Oslo. Police believed the killing was racially motivated. Authorities charged three young persons with aiding and abetting voluntary manslaughter for their role in the killing; all three were linked to a neo-Nazi organization. In January the 3 defendants were convicted of the killings and sentenced to terms of 16, 15, and 3 years of prison. The court commented that the murder was clearly racially motivated. The two defendants with the longest sentences appealed, but in December a superior court lengthened the sentences to 18 and 17 years, respectively; an appeal to the Supreme Court was pending at year's end.

In December the Supreme Court acquitted a neo-Nazi charged with racist remarks made at a demonstration in 2000. The decision reversed a lower court ruling that the remarks violated the country's anti-racism law.

In July the Government presented a new Plan of Action to Combat Racism and Discrimination that includes specific goals in target areas, such as the police and judicial system, and proposes legislation to prohibit discrimination in the labor and housing markets.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to associate freely. With membership totaling approximately 60 percent of the workforce, unions played an important role in political and economic life, and the Government consults them on important economic and social problems. Although the largest trade union federation was associated with the Labor Party, all unions and labor federations were free of party and government control.

The law prohibits antiunion discrimination. The Labor Court deals with complaints of antiunion discrimination; however, there were no such complaints during the year.

Unions are free to form federations and to affiliate internationally; unions maintained strong ties with such international bodies as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—All workers, including government employees and military personnel, had and exercised the right to organize and bargain collectively. Collective bargaining was widespread, and most wage earners were covered by negotiated settlements, either directly or through understandings

that extend the contract terms to workers outside the main labor federation and the employers' bargaining group.

Workers had the right to strike; however, the Government had the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances. In 1997 the Supreme Court ruled that regulations on compulsory arbitration do not violate international commitments. The case was appealed to the European Court of Human Rights, which dismissed the application in June.

During the year, there was one significant strike—by hotel and restaurant workers. The strike, which lasted 33 days, concluded after personal mediation by union leaders.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports such practices occurred. The Directorate of Labor Inspections (DLI) is responsible for compliance with the law.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children 13 to 18 years of age may be employed part-time in light work that will not affect adversely their health, development, or schooling. Minimum age rules were observed in practice and enforced by the DLI.

e. Acceptable Conditions of Work.—There is no legislated or specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the Government at the local and company level. Wages increased this year approximately 5 to 6 percent. The average income, not including extensive social benefits, provides a decent standard of living for a worker and family.

Normal working hours are mandated by law and limited to 37 and a half hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays.

The law provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with non-governmental experts. According to the law, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI effectively monitored compliance with labor legislation and standards.

f. Trafficking in Persons.—No law specifically criminalizes trafficking in persons, although existing legislation may be used to prosecute trafficking cases. There were no prosecutions for such offenses during the year.

Recognizing that trafficking is a growing problem in the country, the Government increased focus on the issue throughout the year and hosted a conference on trafficking in October. During the year, the Ministry of Justice and the Police Directorate established a national project to combat organized crime, specifically targeting trafficking. The Ministry of Children and Family Affairs coordinates an inter-ministerial working group that is responsible for implementing trafficking resolutions and recommendations from the U.N. and the European Council. During the country's 2002 chairmanship of the Nordic Council of Ministers, the Council began a campaign against trafficking in women in the Nordic and Baltic States. As a result, the Government presented mandatory ethical guidelines for government employees that prohibit the purchase and acceptance of sexual services.

The country was a destination for women trafficked for the purpose of prostitution, particularly from Russia and the Baltic States. There were also occasional reports of children from Russia being trafficked into the country to work in petty theft rings.

Victims of trafficking in the country had the same legal rights as other foreigners to apply for residency, asylum, welfare, social aid, and emergency health care. The Ministry of Children and Family Affairs is responsible for assisting possible victims of trafficking; however, most asylum requests by victims were denied. The Government increased awareness of trafficking by raising the issue in a number of speeches and fora. NGOs conducted outreach programs to provide trafficking victims with information on their legal rights and available health and other services.

POLAND

Poland is a multiparty parliamentary democracy in which executive power is shared by the Prime Minister, the Council of Ministers, and, to a lesser extent, the President. Alexander Kwasniewski was reelected President in free and fair elections

held in October 2000. The Parliament is bicameral (Senate and Sejm). Free and fair parliamentary elections held in September 2001 resulted in a change in government. The social democratic (post-Communist) Democratic Left Alliance (SLD) formed a majority coalition government with the Union of Labor (UP) and the Polish Peasant Party (PSL). The judiciary is independent; however, it was inefficient.

Internal security forces consist of local police, a national office of investigation, and city guards, who are uniformed, unarmed officers. The armed forces were subject to effective civilian control. Since 1996 the civilian Minister of Defense has had clear command and control authority over the military chief of the general staff as well as oversight of military intelligence. Civilian control was reinforced further by a restructuring of the Ministry of Defense and general staff undertaken as part of the country's entry into NATO in 2000. Security forces committed a few abuses.

The transition economy has a vibrant private sector (including small- and medium-sized industries formerly state owned), which accounted for over two-thirds of gross domestic product. Unreformed heavy industries and agriculture (which employed more than 25 percent of the labor force) lagged other sectors in productivity and growth. The country's population was approximately 39 million.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that police mistreated persons in refugee camps. Prison conditions remained generally poor. A cumbersome legal process, poor administration, and an inadequate budget hampered the court system, and court decisions frequently were not implemented. Lengthy pretrial detention occurred occasionally. The Government restricted the right to privacy. There were a few restrictions in law and in practice on freedom of speech and of the press. Violence against women continued to be a problem. Women continued to experience serious discrimination in the labor market and were subject to various legal inequities. Child prostitution was a problem. There were incidents of desecration of graves in both Jewish and Catholic cemeteries, and anti-Semitic sentiments persisted. There were reports of some societal discrimination and violence against ethnic minorities. Some employers violated worker rights, particularly in the growing private sector, and antiunion discrimination persisted. Trafficking in women and children was a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. Poland was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In 1999 a police officer convicted and sentenced for the 1998 beating death of 13-year-old Przemek Czaja in the city of Slupsk appealed a judicial decision that increased his sentence to 8 years. The officer's appeal was denied in 2001, and he is now serving his sentence. A civil case in which Czaja's family is demanding \$12,500 (50,000 PLN) from the Pomeranian police remained pending at year's end.

A police officer convicted of the 1997 shooting deaths of two unarmed civilians and the wounding of another in Brodno, a suburb of Warsaw, was sentenced in 1999 to 7 years in prison but remained free pending his appeal. In February the Supreme Court upheld the verdict; however, on April 6, President Kwasniewski pardoned the policeman at the request of the Prime Minister and the Minister of the Interior.

Several trials—begun in 1999 and 2000—related to extrajudicial killings during the Communist period continued. In October 2001, a Katowice court found the riot police accused of killing miners during martial law under the Communist regime not guilty. The retrial of former Communist Interior Minister Czeslaw Kiszczak for his role in the pacification of the Wujek mine in 1981 remained pending. On December 9, a Warsaw district court acquitted General Wladyslaw Ciaston, one of the two former Communist Security Services generals accused of having directed the 1984 torture and killing of Father Jerzy Popieluszko.

On October 16, 2001, the Warsaw District Court convened a new trial against former Communist leader Jaruzelski and five other defendants who allegedly ordered police to shoot workers during the 1970 riots in Gdansk. Witnesses were interviewed in November, and the case remained pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police mistreated persons in refugee camps (see Section 2.d.).

In August three of the seven riot policemen who were on trial for their participation in the 1997 beating of soccer fans in Gdynia accepted their sentences. They were fined, sentenced to 2 years of probation, and prohibited from working as law enforcement officers for 2 years. The trial for the remaining four defendants remained pending at year's end.

Prison conditions remained generally poor. According to reports by nongovernmental organizations (NGOs), overcrowding, damp cells, and a lack of medical treatment were the chief problems. The prison system urgently needed additional funding, and the Government acted to address the problem by increasing the prison system's budget by 15 percent. The funds were used to renovate more than 30 prison facilities and build additional cells for a total of 336 prisoners in 5 facilities. A new prison for 600 prisoners was under construction in Piotrkow Trybunalski, and new divisions were opened for violent and dangerous prisoners in 6 existing prisons. However, the Ombudsman for Human Rights continued to complain about the safety of prisoners, noting that inmates were often the victims of violent attacks by other prisoners. Civil litigation against the prison administration in the 1996 case of an 18-year-old mentally retarded boy who was beaten and sodomized by fellow inmates was appealed to the Supreme Court in April and remained pending at year's end. Reportedly the ratio of prisoners to rehabilitation officers was very poor. Women were held in 21 detention facilities, but only 5 were strictly for women; in the remaining 16 detention facilities, men and women were held separately. Juveniles under the age of 24 were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

The Government permitted visits by independent human rights organizations. During the year, the Human Rights Ombudsmen monitored 20 detention facilities, and the Helsinki Foundation visited 10 facilities; some of the visits were announced, and some were unannounced prior to the visit.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Courts rather than prosecutors issue arrest warrants. The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Bail was available, and most detainees were released on bail pending trial.

Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest through appeal to the district court. A court may extend this pretrial confinement period every 3 months for up to 18 months until the trial date. The total time of temporary arrest until the first sentence rendered by the court of lower instance may not be more than 2 years. However, under certain circumstances, the 2-year period may be extended further by the Supreme Court.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for the right to a fair trial, and an independent judiciary and the Government generally enforced this right; however, the judiciary remained inefficient and lacked resources and public confidence.

There is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Regional courts are courts of first instance, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offenses. Appellate courts handle appeals tried at the provincial level, and the Supreme Court only handles appeals about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices. Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which is the court of first instance.

Judges are nominated by the national judicial council and appointed by the President. They are appointed for life, guaranteed complete immunity from prosecution, and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. Constitutional Tribunal decisions are final and binding.

The Government continued to restructure the court system in order to streamline and accelerate the legal process; however, the court system remained cumbersome, poorly administered, inadequately staffed, and underfunded. There were numerous inefficiencies—most notably, many districts had more criminal judges than prosecutors. These factors contributed to a lack of public confidence. Many effective judges and prosecutors left public service for the more lucrative private sector. Court decisions frequently were not implemented. Bailiffs normally ensured the execution of civil verdicts such as damage payments and evictions; however, according to some observers, they were underpaid, subject to intimidation and bribery, and had a mixed record of implementing court decisions. Civil and administrative rulings against public institutions such as hospitals often could not be enforced due to a lack of funds. At the beginning of the year, there were 2 million cases pending from years prior to 2001. Simple civil cases can take as long as 2 to 3 years before resolution, and the pretrial waiting time in criminal cases can be several months. The backlog and the costs of legal action appeared to deter many citizens from using the justice system, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters was an incentive for bribery and corruption.

The law requires that disciplinary procedures be taken against those judges accused of violating judicial independence by issuing unjust verdicts between 1944 and 1989 at the request of the Communist authorities. The deadline to file cases was December 31. Such cases may be initiated by the Minister of Justice, the presidents of the appellate or regional courts, the National Judiciary Council, or by individuals who felt wronged by court verdicts. According to the National Judiciary Council, a total of 19 cases were filed against judges, all prior to 2002.

All defendants are presumed innocent until proven guilty. At the end of a trial, the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Once formal charges are filed, the defendant is allowed to study the charges and consult with an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants are required to be present during the trial and may present evidence and confront witnesses in their own defense. However, prosecutors have the authority to grant witnesses anonymity at trial if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. Trials are usually public; however, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend "public morality" (*see* Section 1.f.). The courts rarely invoked this prerogative. A two-level appeal process is available in most civil and criminal matters.

The law allows a defendant and a representative, in addition to the prosecutor, to be present for a provincial appellate court's examination of a verdict.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The Constitution provides for the general right to privacy; however, there is no legislation that provides for this right.

The law forbids arbitrary forced entry into homes, and search warrants issued by a prosecutor are required to enter private residences. In emergency cases, when a prosecutor is not immediately available, police may enter a residence with the approval of the local police commander. In the most urgent cases, in which there is no time to consult with the police commander, police may enter a private residence after showing their official identification. There were no reports that police abused search warrant procedures.

A 1998 law prohibits the collection of information about a person's ethnic origin, religious convictions, health condition, political views, or membership in religious, political, or trade union organizations. The law allows for certain exceptions, specifically, the gathering of information without a person's permission by courts, hospitals, or organizations if the information pertains to their members. All exceptions are subject to some restrictions. Despite being illegal, a few restrictive practices such as a requirement to fill out "creed" or "nationality" items in some questionnaires continued. For example, some nongovernmental entities persisted in asking for such information; although violators are subject to prosecution, there were no known cases during the year.

The Government maintained, without judicial review or oversight, a large number of wiretaps. The law permits police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involv-

ing serious crimes, narcotics, money laundering, or illegal firearm sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior, both political appointees, must authorize these investigative methods. In emergency cases, the police may initiate an investigation that utilizes wiretaps or the opening of private correspondence at the same time that they seek permission from the ministers. There were no credible estimates on the number of such wiretapping devices installed at the request of the police.

Parliamentarians and human rights groups expressed concern about the lack of control over wiretap surveillance. There was no independent judicial review of surveillance activities, nor was there any control over how the information derived from investigations was used. A growing number of agencies had access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigative purposes. As is the case under the Criminal Code, police must obtain permission from the Ministers of Justice and Interior before initiating wiretap procedures.

The law on "lustration" or vetting, designed to expose government officials who collaborated with the Communist-era secret police, bans from office for 10 years those persons caught lying about their past. The law requires officials to provide sworn affidavits concerning their possible cooperation with the secret police; the public interest spokesman (lustration prosecutor) then verifies the affidavits and brings suspected cases of misrepresentation before the lustration court, a special three-judge panel whose decisions may be appealed. In February legislation was enacted exempting persons who cooperated with intelligence and counterintelligence agencies from lustration. In June the Constitutional Tribunal found this legislation to be unconstitutional for reasons relating to parliamentary procedure rather than substance. In October a new law was enacted—this time in accordance with the Tribunal's procedural ruling—containing the same provisions as the earlier legislation. In 2000 several high-profile cases came before the court, including that of a Deputy Defense Minister who was judged to have lied in his affidavit; in November the Supreme Court returned the case to the appellate court, and the appellate court upheld its earlier ruling. Many of these cases were closed to the public because they involved classified documents (*see* Section 1.e.). Critics continued to voice concern that the procedure of vetting politicians may be unfair, in view of the likelihood that secret police records were subject to loss or tampering. In 2000 Parliament agreed on a chairman for the Institute of National Remembrance, a body mandated by the lustration law to organize all Communist-era secret police files and give citizens access to their files.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (*see* Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there are a few restrictions in law and practice. The Criminal Code states that an individual who "publicly insults or humiliates a constitutional institution of the Republic of Poland" is subject to a fine or imprisonment of up to 2 years, while an individual who insults a public functionary is subject to a fine or imprisonment of up to 1 year.

The daily newspaper *Zycie's* appeal of a Warsaw district court ruling that ordered it to apologize to President Aleksander Kwasniewski for publishing untrue information remained pending at year's end; however, in December *Zycie* went bankrupt and ceased publication, leaving unclear the effect on its legal appeal. Individual citizens and businesses may also use the Criminal Code provision to protect their good name." The 1999 case of Andrzej Lepper, who was accused of insulting Prime Minister Jerzy Buzek and state officials, was dismissed in January. There was no progress during the year in the investigation into the case of Mikolaj Siwicki for attempting to publish a hate-mongering book that allegedly could damage the nation's interests, and further action appeared unlikely.

The Criminal Code stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term.

The law allows for the prosecution of citizens who publish or otherwise betray state secrets. Human rights groups have criticized this law, arguing that it restricts freedom of speech.

The Criminal Code regulates the protection of journalistic sources. The code grants news sources protection, except in cases involving national security, murder, and terrorist acts. Pursuant to the law, statutory provisions are applied retroactively if their terms are beneficial to the accused. Journalists who refused to di-

vulge sources prior to the new code's enactment also can avoid sanctions by invoking "journalistic privilege."

There is no restriction on the establishment of private newspapers or distribution of journals, and there were numerous private newspapers and magazines representing a wide variety of viewpoints.

The National Radio and Television Broadcasting Council (KRRiTV) has broad powers in monitoring and regulating programming on radio and television, allocating broadcasting frequencies and licenses, and apportioning subscription revenues to public media. To encourage the KRRiTV's apolitical character, the nine KRRiTV members are obliged legally to suspend any membership in political parties or public associations. However, they were chosen for their political allegiances and nominated by the Sejm, the Senate, and the President following political bargaining, thus raising questions about the independence of broadcasting oversight from political influence.

The Government owns the most widely viewed television channel and 17 regional stations. Center-right politicians, watchdog institutions, and commentators accused public television of being influenced by politicians from the ruling SLD and PSL parties. Members of these parties have majority seats in supervisory and management boards in public television and radio.

Although public television remains a major source of news and information, private broadcast television, satellite, and private cable services (domestic and foreign) are available across most of the country. Private television broadcasters operate on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. Polish Television (TVP) and its two channels remained the most widely viewed television in the country (with joint market shares of over 50 percent), but it has faced strong competition from the two private networks, TVN and Polsat. The new broadcasting company, Catholic TV, which presented a conservative point of view, had a viewership below 1 percent. Cable television and various satellite services, as well as global frequencies, carried the main public and private television channels, as well as local and regional stations and a variety of foreign offerings to viewers throughout the country.

The Government owned 5 national radio networks. Private radio flourished on the local, regional, and national levels alongside public radio. During the year, the KRRiTV renewed virtually all radio licenses. The three most popular nationwide radio stations were public Polish Radio Channel 1 and the private commercial stations Radio ZET and RMF FM. Companies with shares in nationwide dailies expanded networks with local radio stations. In a cost cutting move, small local radio stations set up several networks for facilitating advertising and programming matters.

The Broadcasting Law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good. The law, whose constitutionality has been confirmed by the Constitutional Tribunal, requires that all broadcasts "respect the religious feelings of the audiences and in particular respect the Christian system of values." This provision has never been used as a means of censorship, although in theory it could be so used.

The Broadcasting Law on radio and television also requires public television to provide direct media access to the main state institutions, including the presidency, "to make presentations or explanations of public policy." The President and the Prime Minister complained occasionally of the other's abuse of the access privilege. Both public and private radio and television stations provided coverage of all ranges of political opinion.

Books expressing a wide range of political and social viewpoints were widely available, as were periodicals and other publications from abroad.

The Internet was available widely and was not regulated or restricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain these permits from local authorities if the demonstration might block a public road. For large demonstrations, organizers also are required to inform the local police of the time and place of their activities and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it. Permits for public gatherings were issued on a routine basis. In March a regional court in Slubice sentenced rightist politician Andzej Lepper to 1 year of prison (suspended) and 4 years of probation for organizing an illegal blockade of the Polish-German border crossing in Swiecko in 1999.

Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration that commits it to abide by the law; however, in practice the procedure is complicated and may be subject to the discretion of the judge in charge.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There are 15 religious groups in the country whose relationship with the State is governed by specific legislation and 141 other religious communities. The legislation outlines the internal structure of the religious groups, their activities, and procedures for property restitution.

Although the Constitution provides for the separation of church and state, crucifixes hang in both the upper and lower houses of Parliament, as well as in many government offices. State-run radio broadcasts Catholic mass on Sundays, and the Catholic Church is authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the National Radio and Television Council allowed to do so.

Religious communities may register with the Government; however, they are not required to do so and may function freely without registration. Registration requires that the group submit the names of 100 members as well as information regarding the group itself. This information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. There were no new churches registered during the year. All churches and recognized religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

In April the Government closed a department it had established in 2001 within the Ministry of Interior to monitor the activities of “new religious groups and cults.”

Public concern persisted regarding the growth of groups perceived to be “sects” and the influence of nonmainstream religious groups.

The Criminal Code stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term (*see* Section 2.a.).

Progress continued in implementing the laws that permit local religious communities to submit claims for property owned prior to World War II that subsequently was nationalized. The laws governing restitution of communal property allow for the return of churches and synagogues, cemeteries, and community headquarters, as well as buildings that were used for other religious, educational, or charitable activities.

Although the Constitution gives parents the right to bring up their children in accordance with their own religious and philosophical beliefs, religious education classes continued to be taught in the public schools at public expense. While children are supposed to have the choice between religious instruction and ethics, the Ombudsman’s office states that in most schools, ethics courses were not offered due to financial constraints. Catholic Church representatives were employed to teach religious classes in the schools. Such classes constituted the vast majority of all religious education classes offered, since the population of the country was approximately 95 percent Catholic. However, parents can request religious classes in any of the religions legally registered, including the Protestant, Orthodox, and Jewish religions. Such non-Catholic religious instruction existed in practice, although it was not common; the Ministry of Education pays the instructors. Priests and other instructors received salaries from the state budget for teaching religion in public schools, and Catholic Church representatives were included on a commission that determines whether books qualify for school use.

Relations between the various religious communities were generally amicable; however, sporadic incidents of harassment and violence against Jews and occasional desecration of Jewish, and more often, Catholic cemeteries continued, mostly generated by skinheads and other marginal elements of society.

On September 1, 70 tombstones in Czeladz were knocked down or desecrated with anti-Semitic and Nazi slogans; a police investigation remained pending at year’s end. Between September 8 and 10, 70 tombstones were knocked down in a Jewish cemetery in Wroclaw. Approximately 400 citizens volunteered in a subsequent campaign to make repairs.

While anti-Semitic feelings persisted among certain sectors of the population, surveys in the past several years showed a continuing decline in anti-Semitic sentiment, and avowedly anti-Semitic candidates have won few elections. However, some far-right Members of Parliament made anti-Semitic remarks in a parliamentary debate over the activities of the National Remembrance Institute (IPN).

In April during the 14th March of the Living from Auschwitz to Birkenau to honor victims of the Holocaust, several hundred citizens joined 1,500 marchers from Israel and other countries.

Legal proceedings against 2 persons who were arrested in connection with the attack on the Buddhist Center of Krakow in 2000 remained pending at year's end, and no action appeared likely.

In 2001, on Polish Independence Day, approximately 400 Polish ultra nationalists who chanted anti-Semitic and anti-EU slogans marched through the heavily industrialized city of Katowice. The march culminated in a rally at which demonstrators burned the Israeli and EU flags. Local authorities initiated an official investigation to determine whether identifiable demonstrators should be charged with violating laws that prohibit displays of Fascist symbols and public insults to persons on the basis of national, ethnic or racial identity. The investigation remained pending at year's end.

In 2001 President Kwasniewski presided over a ceremony commemorating the 1941 killing of several hundred Jews in the town of Jedwabne. The President acknowledged Polish participation and apologized in the name of the country and unveiled a new memorial that replaced a plaque stating that Germans alone were responsible. The National Memory Institute continued its investigation of the Jedwabne massacre.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although the Constitution does not address freedom of movement, the Government generally respected these rights in practice. The Government does not restrict internal or foreign travel; under the law, citizens cannot be refused the right to return to the country; and there are no restrictions on emigration.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Persons recognized as refugees under the Convention are granted permission to remain in the country permanently. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government received 5,158 petitions for refugee status (compared with 4,506 in 2001), and 258 of the petitions were approved.

The 1997 Aliens Act, as amended in 2001, gave all prospective refugees access to a procedure for adjudicating refugee status and established an independent board to which prospective refugees can appeal negative status decisions by the Ministry of Internal Affairs. The amended Act created the Bureau of Repatriation and Aliens (BRA), which began operating in 2001. This office controls the various refugee centers and agencies and has some political control over the border guards. The Border Guard Academy includes significant training on the handling of potential refugees.

The amended Aliens Act created an expedited system of refugee processing; however, the Government's implementation of the amendments has been slow and continued at year's end. Under the Act, aliens should receive an answer to their petition within 2 days. If denied they may appeal to the BRA's refugee board, which is required to respond within 5 days. If their claims are found to be "manifestly unfounded," they are denied and no further appeal is available to them. However, refugee rights groups reported that processing time continued to range from 4 months to 2 years. The Aliens Act calls for a decision granting or denying asylum to be rendered within 6 months from the date of the initiation of the procedure; however, in practice decisions can take up to 2 years from the time of the application. Refugee rights groups complained about applicants living in legal limbo, unable to work legally, while awaiting decisions on their cases.

The law does not recognize the concept of first asylum or any other form of temporary protection. However, the Aliens Act as amended during the year includes the category of humanitarian assistance as a reason for resettling aliens. Previously the Government only had categories for asylum seekers and for refugees. The new category was created for those who do not qualify as refugees but who cannot be returned to their countries of origin; however, the law's practical implications were untested.

In 2000 the UNHCR expressed concern over the fate of unaccompanied children seeking asylum in the country. It urged that procedures and practices concerning the appointment and maintenance of supervisors and guardians for unaccompanied minors be improved. During the year, the situation improved for unaccompanied minors. In November there were 19 unaccompanied minors, all of whom were housed at the Debak Refugee Center, where there is a small library, play area, and some educational facilities. The minors were able to attend local schools while awaiting a decision on their asylum application. The continued influx of Chechen refugees during the year kept the refugee centers crowded, and ethnic and cultural conflicts occasionally occurred as a result.

Many of the problems that the Government faces in dealing with aliens present in the country centered around funding. The Government received significant EU support for upgrading its refugee processing system, which includes money for such things as fingerprinting equipment and running the refugee centers. However, the Government had very little money to send aliens who had been denied status back to their country of origin. Most denied applicants simply received a letter informing them that their petition has been denied and that they should leave the country. The Government did not have funds to help assimilate those persons who receive permission to reside permanently in the country. Refugees may receive the same subsidies given to citizens living below the poverty line, but no additional money was available to them. The approved petitioners received funds from various NGOs, which covered only basic living needs, and no services such as language training, medical care, or other social benefits.

The country was a destination for refugees, rather than simply a transit point. The UNHCR reported that significantly fewer persons were abandoning their refugee applications and that fewer persons were leaving the country after receiving status.

There were no reports of the forced return of persons to a country where they feared persecution; however, the UNHCR reported isolated incidents of border guards turning away potential refugees. In particular there were reports that Chechen and Afghan asylum applicants encountered difficulties with admission to the country when arriving from Ukraine and Belarus to submit asylum applications in Poland. However, in October 2001, the BRA stated that they no longer would use the internal flight alternative as a reason to deny Chechen asylum applications. The BRA estimated that approximately 4.5 to 5 percent of all asylum seekers received refugee status, while 10 to 15 percent of all Chechen asylum applicants were granted refugee status.

There were reports of the harassment of refugee camp inhabitants by local persons, and there were some reports of mistreatment by police. Several Chechen and Afghan asylum seekers alleged harassment ranging from verbal abuse to forcible removal from one location (usually refugee camps or shelters) to another. There were no formal investigations during the year. Some complaints related to the transfer of asylum seekers from the cities to the countryside. Government officials stated that any relocation was to improve conditions, not harassment.

The UNHCR and the Helsinki Foundation have been working with government officials, police, and hospital personnel to sensitize them to the plight of refugees and train them in better ways of handling refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. All citizens 18 years of age and older have the right to vote and to cast secret ballots, and voting is voluntary. Multiple candidates from various political parties participated in the elections and had access to the media.

The country is a multiparty democracy. Executive power is divided between the President and a government chosen by the Sejm, or lower house of Parliament. There is also an upper house (the Senate). The Constitution provides for parliamentary elections at least once every 4 years. The President, elected for 5 years, has the right, in certain very limited cases and after seeking the opinion of the Speakers of the Sejm and the Senate, to shorten the Sejm's term of office. Whenever the Sejm's term of office is shortened, the Senate's term automatically is shortened as well. Parliament may impeach the President.

There were no restrictions on the participation of women in politics or government. There were 93 women among 460 members of the Sejm and 22 women among the 100 members of the Senate. There was one woman in the 16-member Cabinet (Minister of Education).

There were two members of the German minority party in the Parliament (see Section 5). The electoral law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide to qualify for seats in individual districts.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Helsinki Foundation, a major NGO, conducted human rights investigations without government interference. Members of the foundation reported that the Government displayed a generally positive and helpful attitude towards human rights investigations.

The Office of the Commissioner for Civil Rights Protection (the Ombudsman) is the Government's watchdog for human rights. The Ombudsman's office was an effective, independent body with broad authority to investigate alleged violations of civil rights and liberties. The Ombudsman registered each reported case and filed grievances, where appropriate, with the relevant government office. The Ombudsman has no legislative authority, no powers of enforcement, and is sworn to act apolitically. The Government cooperated with the Ombudsman.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever," and the Government attempted to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persisted.

Women.—Violence against women continued to be a problem. While no comprehensive surveys document the problem adequately, the Women's Rights Center estimated that 23 percent of women have been victims of domestic violence, and the NGO La Strada reported that 18 percent of married women admitted to being victims of physical abuse by their husbands. Police statistics indicated that approximately 67,000 women were victims of domestic violence in 2001. Women's organizations asserted that the number of women suffering from domestic abuse is probably much higher because battered women usually refused to admit abuse even to themselves. Violence against women remained hidden, particularly in small towns and villages. Government and police statistics do not differentiate between male and female victims of violence. Physical abuse is illegal and spousal rape is treated in the same manner as other types of rape. Police intervened in cases of domestic violence. The police, in cooperation with the State Agency for Solving Alcoholic Problems, continued to maintain the "blue card," a record-keeping system designed to document incidents of spousal abuse. Law enforcement personnel continued to use the Blue Card Program, although with limited effect due to inadequate funding. Sentences for abuse of family members range from 3 months to 5 years, or from 2 to 10 years if the victim attempts suicide as a result of the abuse. Most convictions (83 percent) resulted in suspended sentences. A police spokesman stated that there were 24,200 cases of family abuse reported in 2001, of which 213 involved particularly severe abuse. According to NGOs, the courts often treated domestic violence as a minor crime, pronounced lenient verdicts, or dismissed cases.

In 2001 there were 2,339 rape cases reported. However, NGOs reported that women often were unwilling to report the crime and estimated that the actual number of rapes was 10 times higher than that reported.

According to the Women's Rights Center Report, there was significant progress in raising public awareness of the problem of violence against women. NGOs indicated that this was one factor in the Government's increasingly receptive position on women's issues. Other reasons included legislation required for Poland's accession to the EU and the creation of the vice-ministerial position of Plenipotentiary for the Equal Rights of Women and Men. In addition, NGOs operated 15 centers to assist victims, provide preventive treatment as well as resocialization counseling to perpetrators, and train personnel working with victims of domestic violence. The Office of Victims' Rights Spokesman at the Ministry of Internal Affairs and Administration has responsibility to ensure that victims of violence are treated with respect by law enforcement and the judicial system. The office provides legal and psychological assistance for victims and their families.

The law has no provision for restraining orders to protect battered women against further abuse. For example, in divorce cases, courts frequently granted a divorce but did not issue a property settlement, forcing women to return to their abusive husbands. This problem was exacerbated by a lack of alternative housing in the country. Women's advocacy groups also complained about the small number of state-supported shelters for battered women.

Paying for sexual activity is illegal, as is pimping; however, selling sex is not illegal. Due to a crackdown on prostitutes who work along major thoroughfares and at truck stops, much of the prostitution industry moved to brothels, massage parlors, or agencies offering escort services. Since 1997 the total estimated numbers of prostitutes has declined by 45 percent; however, police believed that this apparent decline may have resulted from much greater numbers of women working in brothels, or so-called agencies, who were not captured by the statistics. Police estimated that there were 7,000 prostitutes in the country of whom 3,000 worked in one of the 700

agencies in operation and 3,400 worked in hotels, pubs, discos, and on the streets. The remaining 600 prostitutes worked on major thoroughfares and at truck stops.

Trafficking in women for the purpose of sexual exploitation was a problem (see Sections 6.c. and 6.f.).

While there are no laws specifically addressing sexual harassment, social awareness of the problem continued to increase, and there are mechanisms to deal with the problem. For example, the Criminal Code states that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to 3 years in prison. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, between supervisors and subordinates, or between teachers and students; however, this provision can be invoked only when alleged sexual harassment occurs between a supervisor and an individual in a subordinate position. Abuse of power cannot be claimed when harassment occurs between persons of equal rank. In May a former director of a hospital emergency ward charged in 2000 of sexually harassing 6 nurses was sentenced to 16 months in prison (suspended) and 4 years probation.

The Constitution provides for equal rights regardless of gender and grants women equal rights with men in all areas of family, political, social, and economic life, including equal compensation for work of similar value. However, in practice women frequently were paid less for equivalent work, mainly held lower level positions, were discharged more quickly, and were less likely to be promoted than men. The 2001 government statistical bulletin indicated that men had a higher employment rate (52.5 percent) than women (39 percent) and that women had a higher unemployment rate. In August the unemployment rate was 17.4 percent, and 52.7 percent of those unemployed were women. Despite having a generally higher level of education, women earned on average 30 percent less than men. In January the labor code was amended to prohibit discrimination in hiring, with the burden of proof put on the employer to prove that discrimination was not used. Although women had access to a number of previously forbidden careers, they still were prohibited from working underground or in jobs that require heavy lifting. Apart from the Constitution, there is no other legal provision for equal rights for women.

Nevertheless women were employed in a wide variety of professions and occupations, and a number of women occupied high positions in government and in the private sector. Both men and women had the right to take time off to care for a sick child. The pension law requires mandatory earlier retirement for women at age 60 (age 65 for men), and as a result women got approximately 60 percent of the average pension that men received. However, in 2000 the Constitutional Tribunal ruled that the law setting retirement age at 60 for women and 65 for men was discriminatory, as it reduced women's chances for promotion and better pensions. Based on this ruling, women can appeal to the labor court if employers insist that they retire at 60.

The Ombudsman for Human Rights monitors the rights of women within the broader context of human rights. Observers noted that the broad scope of the office's mandate diluted its ability to function as an effective advocate of women's issues. There are several women's rights NGOs; among the most notable are the Polish Foundation for Women and Family Planning and the Women's Rights Center. These groups were active advocates of gender equality and advanced their goals through research, monitoring, and publishing. There are several church-sponsored women's advocacy organizations, but their cooperation with other women's NGOs was limited.

Children.—The Constitution extends some state protection to the family and children, and there is a Sejm-appointed Ombudsman for Children's Rights.

The Ombudsman—mandated to protect children from violence, cruelty, neglect, and other mistreatment—is the official point of contact for complaints about violations of human rights of children and submits requests to the appropriate law-enforcement or other authorities for action. The Ombudsman submits an annual report to the Sejm on the condition of children's rights and is empowered to suggest legislation to improve the human rights situation of children.

Education is universal and mandatory until age 18, and public schools are free. The Government sponsored some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools; however, budget shortfalls prevented complete implementation of these programs. Although child abuse occurred, there was no societal pattern of such abuse. The law prohibits violence against children. A provision of the Criminal Code provides that those who physically or psychologically abuse a juvenile may receive a prison sentence of 3 months to 5 years. If the victim attempts suicide the sentence is increased, as it is if the perpetrator is found to have acted with extreme cruelty. However, abuse rarely was reported, and convictions for child abuse also were rare.

There were no procedures in schools to protect children from abuse by teachers, and the teachers' work code provides legal immunity from prosecution for the use of corporal punishment in classrooms.

The law prohibits child prostitution; however, child prostitution was a problem. The Penal Code states that anyone who, with the purpose of obtaining a material benefit, incites a minor to prostitution or facilitates such prostitution is subject to a sentence from 1 to 10 year's imprisonment.

Trafficking in children was a problem (*see* Section 6.f.).

Men and women reach majority at the age of 18 under the Civil Code; however, a woman can reach majority at the age of 16 if she has entered into marriage with the consent of her parents and the guardianship court. In addition, men are not permitted to marry without parental consent until the age of 21, whereas women may do so at the age of 18 (*see* Section 1.f.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. There were approximately 5.5 million persons with disabilities in the country by year's end. In 2001 the Central Bureau of Statistics reported that approximately 17 percent of persons with disabilities able to work were unemployed, roughly equivalent to the national unemployment rate. Advocacy groups claimed that the percentage was much higher. The law allows individuals from certain disability groups to take up gainful employment without the risk of losing their disability benefits. Approximately 46 percent of the persons with disabilities had no more than an elementary school education, compared with 32 percent of those without disabilities, and only 4 percent had a university education, compared with 9 percent of persons without disabilities.

The law creates a state fund for the rehabilitation of persons with disabilities that derives its assets from a tax on employers of over 50 persons (unless 6 percent of the employer's work force are persons with disabilities). In 2001 the fund had approximately \$375 million (1.5 billion PLN) at its disposal, but its management encountered difficulties, including frequent changes in leadership. During the year, the fund disbursed 55 percent of its budget to local governments, while the remaining funds were allocated to special, national programs administered by the fund. In addition, the law prohibits the fund's use to assist children under 16 years of age with disabilities.

There were reports of some societal discrimination against persons with disabilities.

The law mandates access to buildings for persons with disabilities; however, public buildings and transportation generally are not accessible to persons with disabilities. Implementation falls short of rights set forth in the legislation since the law provides only that buildings "should be accessible."

National/Racial/Ethnic Minorities.—The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. There were an estimated 50,000 Lithuanians in the country, and the issue of Lithuanian minority rights including language instruction, was addressed routinely during governmental talks. There were 10 Lithuanian-language textbooks in use during the year at different education levels. The Ministry of Education fully financed their publication and used Lithuanian minority representation in the development of the texts.

According to its leaders, the Romani community, numbering around 30,000, faced disproportionately high unemployment and was hit harder by economic changes and restructuring than were ethnic Poles. Societal discrimination against Roma, who have been considered a national minority since 1998, was commonplace, and some local officials discriminated against Roma in the provision of social services. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education. The Government cooperated with local governments to develop and finance programs to assist the poorest Roma. Some local governments became more active in dealing with the problems of local Romani communities. In 2001 the Government began a pilot project to help the Romani community in the Province of Malopolska. The goals of the program are to increase the number of Roma completing high school, help fight unemployment, and improve health care and safety for Roma. Project funds—which increased fivefold during the year to \$650,000 (2.6 million PLN)—were spent for books, training liaison staff with the Romani community, and for improving the educational and residential infrastructure in Romani communities.

There were occasional incidents of skinheads clashing with Roma and racially motivated violence directed at Roma. In August 2001, a group of teenagers vandalized automobiles and other Romani vehicles at a resort camp where a Romani family

was vacationing; police arrested three suspects, and the case remained pending at year's end.

In March several thousand students, journalists, and politicians repeated their efforts of 2001 in removing vulgar and racist slogans—directed against various ethnic and racial minorities—from walls in the city of Lodz.

The small Ukrainian and Belarussian minorities occasionally experienced petty harassment and discrimination. Individuals of African, Asian, or Arab descent also reported isolated incidents of verbal, physical and other types of abuse. For example, in July two Polish men in Krakow shouted racial slurs at one foreigner of African descent and one African-American foreigner and assaulted them. The legal proceedings in the case were ongoing at year's end.

The German minority in Opole Province makes up one-third of the 1 million inhabitants of this area that was part of Germany prior to World War II, and 2 members of the German minority party are members of Parliament (*see* Section 3). Some members of the community continued to complain of inadequate use of German in the province's schools.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including civilian employees of the Armed Forces, police, and frontier guards have the right to establish and join trade unions of their own choosing, and workers exercised these rights. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be appealed to an appeals court. The existing law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union. In state-owned enterprises, such as the health sector, water, and forestry, there were cases in which workers had their normal employment contract terminated and replaced by an individual contract that took away rights they formerly enjoyed as permanent employees.

The number of officially registered national-level unions remained at approximately 360. No precise data existed on work force unionization, although according to press reports, 14 percent of the total workforce were members of trade unions.

As a rule, newly established small- and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises. The Independent Self-governing Trade Union (NSZZ) Solidarity had a verified regular membership of nearly 1 million. Solidarity continued successful efforts to open local chapters in supermarkets, particularly in Wroclaw, Poznan, and Warsaw. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80 (250,000 members), August '80, and the Christian Trade Union Solidarity (Popieluszko). There were no reliable estimates of membership in the latter two unions.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ), the formerly Communist-aligned confederation established in 1984 as the sole legal alternative to the then-outlawed NSZZ Solidarity, and its teachers' affiliate, the Polish Union of Teachers (ZNP). The OPZZ reported that its membership was approximately 1.3 million of whom 870,000 were employed. However, this figure was unverified, and independent surveys suggested that its regular dues-paying membership was considerably less than Solidarity's. A survey found that Solidarity represented approximately 7.6 percent of all Polish workers, while the OPZZ represented only 3.6 percent (one estimate put OPZZ membership at approximately 700,000 to 800,000 workers). A 1999 State Labor Inspectorate study reported that of approximately 27,000 local union organizations, Solidarity had 13,000 organizations, the OPZZ had 11,000 organizations, and Solidarity '80 had 320 organizations. Numerous smaller unions also existed.

During the year, trade unions took a lower profile in politics. In the September 2001 elections, significantly fewer union leaders were elected to Parliament than in the 1997 parliamentary elections. Under the 1997 Constitution, trade unions themselves may no longer conduct political campaigns, although their members may run as political party candidates.

The law prohibits antiunion discrimination; however, labor leaders reported that employers discriminated against workers who attempted to organize or join unions, particularly in the growing private sector. The law also did not prevent employer harassment of union members for labor activity; there were unconfirmed reports that some employers sanctioned employees who tried to set up unions. The ICF TU alleged that the sanctions provided in the law against acts of antiunion discrimination were not sufficiently dissuasive.

Unions have the right by law to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions (ICFTU), the World Confederation of Labor, and the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects enterprise-level collective bargaining over wages and working conditions. The Tripartite Commission (unions, employers, and the Government), chaired by Labor Minister Jerzy Hausner, is the main forum that determines national-level wage and benefit increases in such politically sensitive areas as the so-called budget sector (health, education, and public employees), while rendering opinions on pension indexation, energy pricing, and other important aspects of social policy. The Commission served as an important forum in which the social partners aired differences, discussed grievances, and often negotiated agreements before problems erupted into social conflict.

The law on collective bargaining does not require union membership figures to be verified or based on dues-paying members for unions to be considered “representative” negotiating partners for management and government. Solidarity protested some unions’ (largely OPZZ affiliates) participation in negotiations with the Government on the grounds that their membership figures remained unproved.

Many disputes arose because of the weakness of the employer side of the union/employer/Government triangle. Key state sector employers (largely in heavy industry and the budget sector) remained unable to negotiate independently with organized labor without the extensive involvement of government ministries to which they are subordinate, although the Government repeatedly stated that it did not intend to be drawn into labor disputes. This weakness complicated and politicized the Government’s labor relations system.

The law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, in the last resort, to the Supreme Court. In a typical year, Solidarity takes several thousand cases to labor courts, several hundred to the Prosecutor General, and dozens to the Supreme Court for resolution. In an overwhelming majority of these cases, the courts ordered employers to correct practices or reinstate dismissed workers, or ordered unions to reimburse employers for activity found to be illegal. However, penalties are minimal and are not an effective deterrent.

Unions have the right to strike except in “essential services—uniformed services, state administration, and local government—where they only have the right to protest; however, labor leaders complained that the 1991 Act on Collective Dispute Resolution prescribes an overly lengthy process before a strike may be called. Employers considered the law too lenient, since a vote of only one-quarter of the workforce can call a strike. As a result, a majority of strikes were technically “illegal” because one or both of the sides did not follow each step exactly as required by law. Labor courts acted slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, were minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions alleged that laws prohibiting retribution against strikers are not enforced consistently and that fines imposed as punishment were so minimal that they were ineffective sanctions to illegal activity. Workers who strike in accordance with the law retain their right to social insurance but not to pay. However, if a court rules a strike illegal, workers may lose social benefits, and organizers are liable for damages and may face civil charges and fines. The social partners (unions, employers, and the Government) continued to work out ambiguities in dispute resolution mechanisms provided for in the Labor Code.

There were 23 strikes during the year. In February workers went on strike at the Gdynia Shipyard over proposed layoffs and the management cutting out sausage from soup previously provided for yard workers. In May there was a strike at the Szczecin Shipyard; workers occupied the yard and demanded back pay. Later protests led to the announcement of a government revival package for the yard, but workers at the yard remained restless. In June workers began occupying the Ozarow Cable Factory near Warsaw to protest plans by a new owner to close the plant. On the night of November 25–26, hundreds of riot police and private security guards removed protestors by force to allow the factory owner to remove equipment. Several days of street clashes ensued, and calm was restored only after the owner stopped removing equipment. Protesters claimed that the police used excessive force and that the private security guards attacked the picketers while on public property. In December the Labor Minister suggested that a special economic zone be set up in the Ozarow area to attract investors and create jobs. He also proposed extending small loans to former factory workers.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law contains strict legal prescriptions about the conditions under which children may work. The Labor Code forbids the employment of persons under the age of 15. Those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age requirement rises to 18 years if a particular job might pose a health danger.

The State Labor Inspectorate (PIP) reported that increasing numbers of minors work, and that many employers violate labor rules in employing them (by underpaying workers, paying them late). Inspectors found violations on stud farms, in restaurants, and, in some instances, in small private sector businesses and factories. Sanctions for the illegal employment of children range from warning letters to orders to cease the work of underage employees. These orders can be enforced through the police to demand the transfer of underage employees or shut down all or part of the offending workplace, or, working through the Ministry of Labor, to impose fines ranging from \$5 to \$125 (20 to 500 PLN) per offense. Cases may also be referred to an administrative tribunal, which can levy fines of up to \$1,250 (5,000 PLN). Jail sentences may be imposed if the infractions are serious enough; such cases generally involve serious injury or death. In 2001 the PIP conducted 1,325 investigations involving some 12,000 possible underage employees. Fines were levied in 417 of these cases, amounting to approximately \$33,000 (133,000 PLN).

On May 15, the Government signed the International Labor Organization Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The national minimum monthly wage remained unchanged at approximately \$190 (760 PLN); it does not provide a decent standard of living for a worker and family. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earned less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors made enforcement of the minimum wage very difficult. With unemployment high, workers often agreed to inferior working conditions and lower pay to find or keep their jobs.

The standard legal workweek is 42 hours, which allows 6- or 7-hour days, including at least one 24-hour rest period. The law requires overtime payment for hours in excess of the standard workweek.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive; however, enforcement is a major problem because the PIP is unable to monitor the state sector sufficiently, or the private sector, where a growing percentage of accidents take place. In the 85,275 work-related accidents reported during 2001, 548 individuals were killed and 1,155 seriously injured. During the first 6 months of the year, 232 workers were killed and 460 were seriously injured. The Government's Central Statistical Office reported that while most accidents were in the public sector, most serious accidents occurred in the private sector, where proportionally more deaths also occurred. Solidarity contended that the problem lies not in the law, which establishes safe standards, but in enforcement, because employer sanctions for illegal behavior are minimal. Standards for exposure to chemicals, dust, and noise were exceeded routinely. In addition, there was a lack of clarity concerning which government or legislative body had responsibility for enforcing the law. The PIP may shut down workplaces in which it finds unsafe conditions. In 2001—the last year for which figures were available—there were nine shutdowns in workplaces. Workers may remove themselves from dangerous working conditions without losing their jobs, but there were reports that fears of such loss prompted some to stay on the job.

The National Unemployment Office estimated that as many as 100,000 to 150,000 foreigners were working illegally in the country. Other estimates ranged from 250,000 to 1.5 million persons, the majority working in jobs and for wages that were deemed unacceptable to citizens. Most of the illegal residents came from the countries of the former Soviet Union, Sri Lanka, and Afghanistan, although an increasingly larger number were coming from Southeast Asia, particularly Vietnam. The country's relatively high wages compared to those prevailing in the source countries and its status as an EU candidate country mainly were responsible for this phenomenon.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was a source, transit point, and destination for trafficked persons, primarily

women and girls and to a lesser extent boys. Since statistics on prostitution did not distinguish victims of trafficking from those willfully engaged in prostitution, escort services, pornography, and other aspects of the sex trade, the scope of the trafficking problem was difficult to define. The international NGO La Strada estimated that 60 percent of foreign women who worked as prostitutes in the country were victims of trafficking.

Several provisions in the Criminal Code specifically address the problem of trafficking. The law prohibits trafficking in human beings and pimping and imposes sentences of up to 10 years on those convicted. It also bans recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are reserved for individuals trafficking in children and those luring women into prostitution abroad.

The scope of trafficking in the country was likely to be much larger than the numbers reflected in prosecutions and arrests for specific violations of the criminal code. In 2001 the Government prosecuted 34 cases of trafficking involving 42 victims and 345 cases of luring persons into prostitution.

Polish women and children were trafficked to western European countries such as Germany, Italy, and the Czech Republic for sexual exploitation (*see* Section 5).

Women and girls were trafficked to and through Poland from countries such as Ukraine, Bulgaria, Romania, Belarus, and Russia. Ukraine was the largest single source of foreign women trafficked in Poland. Women from Bulgaria tended to be from the Turkish and Romani minorities. Of the estimated 7,000 prostitutes in the country, 2,100 (30 percent) were estimated to be of foreign origin. Women and girls who were trafficked into Poland were recruited from areas with low socioeconomic conditions, sometimes quite openly. Those women and girls from the lowest socioeconomic status were most vulnerable to trafficking and subjected to the worst conditions. For example, Roma and ethnically Turkish Bulgarians tended to be employed as prostitutes on highways. They may spend a few months in Poland before they are trafficked further west. In contrast women from other countries of Eastern Europe also were trafficked into agencies run as brothels. Educated Polish and Russian women were more likely than others to be employed voluntarily by escort services.

Victims were trafficked through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Some may believe that they were accepting employment as waitresses, maids, or nannies abroad. While they were en route to what they believed to be their destinations, their passports and identity papers were taken from them. Stripped of their personal identity, the women and girls were kept under the control of the traffickers through fear and intimidation. They were required to serve a minimum number of clients each day to earn their keep. They were threatened with violence, and those who resisted were raped or beaten. If they tried to flee, their legs may be broken. There are also reports of victims being killed by their traffickers.

In the last few years, trafficking has become increasingly organized and has been associated with a rampant growth in document fraud. As many as 90 percent of the women and girls trafficked in the country had false travel documents, and the trafficking of a single woman usually involved a network of criminals. One criminal will recruit the woman; a second will provide false travel documents and traffic her across the border; and a third will supervise her work with clients, functioning as a pimp. In one example offered by police, a Bulgarian woman was detained several different times by police, each time with a new identity and passport. La Strada and police also reported large-scale auctions of women held in Warsaw and other cities. Prices paid for women and girls who were trafficked reportedly started at \$1,500 (6,000 PLN). Victims usually were trafficked by nationals from the same source country; for example, Bulgarian women were trafficked by Bulgarians and Ukrainians by Ukrainians. Foreign traffickers systematically paid a percentage of their receipts to Polish traffickers operating out of the same region.

Children were victims of trafficking, although it was difficult to estimate to what extent (*see* Section 5). Legal authorities dealt with child traffickers more severely, in part because laws on statutory rape were easier to prosecute. As a result, the activity has been driven completely underground. Child prostitution is a crime, while prostitution of adults is neither banned nor regulated by law, making it more difficult for the police to pursue. The authorities did not always recognize trafficking in children since minors can be trafficked on false documents identifying them as adults. Of the 589 cases in 2001 initiated by prosecutors, 43 involved victims who were minors. In 2001 at a hotel outside of Warsaw, police raided an auction where women and children were being sold to a human trafficking ring for use in brothels and pornography production.

Since the border guards and police may regard trafficking victims as criminals who have violated passport laws, victims were afraid to turn to officials for help. Victims have no legal status, and there were no public resources available to assist them. Victims usually were deported as soon as possible to avoid any expenses connected with keeping them in detention. Victims were not informed about their legal status or rights. Many were unaware and were not told that under Polish law prostitution is not a crime. When detained by the police, they may be deported to the border where they were met by traffickers who quickly provided them with new travel documents and returned them to the country. There was no provision to allow victims to remain in the country long enough to pursue legal action against their traffickers.

Numerous NGOs were involved in anti-trafficking initiatives and victim services. Often these NGOs and educational institutions worked closely with local authorities to identify victims of trafficking and to develop training programs for local government providers. La Strada—the only NGO dealing exclusively with trafficking—cooperated with shelters such as Caritas and other Catholic organizations. These organizations provided a range of services, including victims' assistance hot lines, safe accommodation, therapy and psychological support. In addition, they assisted by providing victims with contacts who can help with legal problems and reintegration into society.

La Strada also provided training on prevention and victim support to professionals such as police, boarder guards, prosecutors, judges, social workers, teachers, and journalists. Its "Guardian Angel" program, developed in conjunction with the Helsinki Foundation, was aimed at training social workers to help victims with legal issues, so they could be advocates for the victims before the courts, police, and prosecutors. La Strada conducted various types of training, including awareness training for police, training of Helsinki Foundation personnel on trafficking issues and trafficking seminars to university students. In November La Strada worked with the Government to coordinate an inter-ministerial roundtable to develop a national plan to combat trafficking in persons.

PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, and a Parliament freely elected by secret ballot in multiparty elections. The judiciary was independent.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The Republican National Guard (GNR) has jurisdiction outside cities, and the Public Security Police (PSP) has jurisdiction in cities. The Aliens and Borders Service (SEF) has jurisdiction on immigration and border issues. The civilian authorities maintain effective control of the security forces; however, members of the security forces committed human rights abuses. The Inspectorate General of Internal Administration (IGAI), under the Ministry of Internal Administration, handles disciplinary proceedings against members of the GNR, PSP and SEF involved in violent incidents. IGAI handled 74 cases during the year.

The country has a market-based economy with a population of approximately 10.2 million. The service sector was the leading source of employment, while employment in agriculture and industry continued to be static or declined. Manufacturing provided approximately 30 percent of total economic output. The principal exports were textiles, machinery, cork, paper products, and vehicles.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police killed five persons, all Portuguese citizens, during the year. Credible reports continued that security personnel occasionally beat and otherwise abused detainees and prisoners. Prison conditions remained poor. Lengthy delays in holding trials led to hunger strikes by some pretrial detainees. Violence against women was a problem, and the Government took steps to address it. Discrimination and violence against minorities and immigrants also were problems. The Government took active steps to address the problem of child labor. Trafficking in foreign laborers and women also was a problem. Portugal was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, police shot and killed five persons during the year.

During an October operation, GNR agents shot and killed Paulo da Silva in Loures. IGAI and criminal proceedings began, and were pending at year's end.

In October Lisbon PSP officers shot and killed Osvaldo Vaz while attempting to serve an arrest warrant. The Public Prosecutor in Loures began a criminal investigation and IGAI began a disciplinary investigation, both ongoing at year's end.

In August a PSP officer from the city of Porto shot and killed 27-year-old Nuno Lucas. The suspect allegedly was trying to flee arrest in a van when he was shot. The PSP claimed that the shooting was accidental; however, Lucas' accomplice alleged that it was intentional. The Justice Ministry's Department of Investigation and Penal Action (DIAP) in Porto and IGAI opened investigations into the case. At year's end, the IGAI process was in the final disciplinary phase and the DIAP investigation was ongoing.

In June a PSP police officer shot and killed Antonio Tavares Pereira during an argument between local residents and PSP officers in Setubal. The police reportedly also shot and injured two youths during the incident. The Government began an investigation into the police shooting. At year's end, both IGAI and the Public Prosecutor were deliberating on the case.

In March PSP officers in Lisbon shot Cesario Marques who resisted arrest. Marques later died in the hospital. The IGAI concluded its investigation and decided the PSP officers acted legitimately in self-defense.

According to the Directorate General of Prison Services (DGSP), in August Marco Filipe Marques dos Santos, a 27-year-old convicted murderer, committed suicide by hanging himself with a bed sheet in a Lisbon prison. However, his parents alleged that prison guards beat him to death, and were awaiting an autopsy report at year's end.

Investigations into the July 2001 killing by a GNR officer of Artur Mendes Pereira in the Algarve region were closed. The IGAI took disciplinary action against the GNR agent, but criminal proceedings did not lead to a conviction.

In September an appeals court in Porto ruled that there was insufficient evidence to determine whether the internal abdominal bleeding that caused the 2000 death of Roma, Alvaro Rosa Cardosa, resulted from a fight before the arrest or the alleged mistreatment by two PSP officers afterwards. The case was dismissed.

The IGAI completed its investigation into the January 2000 death of Paulo Silva, who died of internal bleeding which may have been caused by PSP mistreatment during an arrest in Porto, but at year's end, was waiting for the conclusion of the criminal proceedings before taking disciplinary action.

An appeal by three PSP officers, who were convicted in 1998 on criminal charges related to the death in custody in 1996 of Carlos Araujo, failed. The officer responsible was disciplined by IGAI and sentenced by a criminal court.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were infrequent but credible reports that police and prison guards beat and otherwise abused detainees, particularly non-Europeans.

In September the DIAP in Lisbon and IGAI began investigations into the alleged aggression of three PSP officers against Aizhong Lin and his wife Qiaolian Zhou, a Chinese merchant couple. According to Lin, he and his pregnant wife were taken to the Mouraria police station in August after he refused to sign a notification of a fine. At the station, he alleged that police officers beat and kicked him while he was handcuffed. Forty witnesses, who viewed the incident through a broken glass door in the police station, signed a testimonial corroborating Lin's story. The police alleged that it was Lin who initiated the aggression toward the officers. Investigations were ongoing at year's end.

In August PSP officers in Faro allegedly beat Artur da Conceicao in Faro. Criminal and IGAI proceedings began, and were ongoing at year's end.

During a July incident in front of a Lisbon nightclub, a PSP officer struck Pedro Miranda with a baton, resulting in loss of sight in one eye. Criminal and IGAI proceedings were ongoing at year's end.

According to Amnesty International, and documented by television news footage, a celebration of Brazil's June victory in the 2002 World Cup in the vicinity of the O Eletrico bar on the Costa da Caparica involved clashes between PSP riot police and fans, many of whom were either of Brazilian nationality or descent. Six Brazilians and at least one police officer were injured in the incident. The Government investigated the incident, and IGAI concluded that the PSP officers acted appropriately given the danger of the situation, and that they used force only as a last resort.

The criminal trial in a military tribunal in Coimbra of GNR agents implicated in the mistreatment of detainees in 1999 concluded. They were found not guilty and were not subject to any disciplinary action.

The Government investigates reports of police mistreatment. According to its 2001 activity report, the IGAI opened investigations into 307 complaints against agents of the Ministry of Internal Administration, and determined that 36 cases were of particular importance and relevance. Of these 36, three were related to allegations involving the deaths of citizens. An independent ombudsman is chosen by the Parliament and the IGAI to investigate complaints of mistreatment by the police; however, nongovernmental organizations (NGOs) have been critical of the slow pace of police investigations in general and internal investigations by the police in particular. A 1999 law provides detailed guidelines covering all aspects of arrest and custody. According to an NGO, the law has led to some improvements but has not completely eliminated abuses. During the year, police officers receive extensive professional training and the Government regulates their actions through mechanisms established by law.

Credible information from independent reports and NGOs indicated that prison conditions remained poor. The Director General of the DGSP resigned in November. In an April report to the Justice Ministry, he complained of a lack of finances and prison guards, the degradation and lack of facilities and equipment, and dangers (including from organized crime) to both prisoners and prison guards. The Justice Ministry subsequently added 345 guards and promised 255 more.

The DGSP Director General's April report also mentioned worsening health conditions including infectious diseases, mental health, oral health, and drug abuse. According to his report, 25 percent of prisoners had viral hepatitis and about 11 percent were HIV-positive. Prison overcrowding remained a serious problem, with a reported rate of overcrowding of 21.8 percent (out of a population of 13,963 prisoners) in October. Some NGOs and the media also strongly denounced prison health conditions, citing even higher infectious disease rates and poor medical treatment for prisoners.

There were continued reports regarding the mistreatment of prisoners by prison guards. According to a press report, the Justice Ministry received approximately 200 complaints from prisoners in 2001, 20 of which concerned prisoner mistreatment by prison guards. According to government officials, violence among inmates was a more common problem.

Men and women were housed separately. While there is a youth prison in Leiria, juveniles were at times held with adults. Pretrial detainees were held with convicted criminals.

The ombudsman investigated complaints of mistreatment by the police and prison authorities. The IGAI also conducted internal investigations in cases of alleged mistreatment in prisons.

The Government permitted visits by independent human rights observers, such as the Council of Europe's Committee for the prevention of Torture.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held for more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes such as murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers, and the State assumes the cost if necessary.

During the year, prisoners went on hunger strikes to protest, among other things, prolonged periods of preventive detention. The average number of prisoners returned to custody by court order ("remand") is high. Statistics showed that 4,029 individuals (28.7 percent) of the prison population were in preventive detention. Preventive detainees remained in prison under this status for an average of 26 months. Judges argued that preventive detention was justified by the high incidence (40 percent) of repeat offenders. The Government began implementing the use of an electronic monitoring device as an alternative to preventive detention. There were 50 preventive detainees participating in the program at year's end. One difficulty in expanding the program was that detainees must have a fixed residence with a telephone connection and electricity. Many preventive detainees were drug addicts who lacked these requirements.

In February the European Court of Human Rights (ECHR) ruled in the *Magalhaes Pereira v. Portugal* case that the Government violated Article 5–4 of the Convention. Joaquim Magalhaes Pereira challenged his continued confinement in a psychiatric hospital on the basis that it was unlawful, that the Government took too long to determine the lawfulness of the continued confinement, and that the Government failed to provide him legal assistance in challenging his confinement. The Court determined that the Government unlawfully confined Pereira and failed to provide him adequate legal representation. The Court awarded Pereira \$5,300 (6,000 euros) for non-pecuniary damages and \$2,845 (3,221 euros) for legal costs.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system, laid out in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which handles administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials are extremely rare.

Critics pointed to a large backlog of pending trials resulting from the inefficient functioning of the courts. A 2001 law aims to reduce the case backlog by increasing the number of judges. The bill also has provisions to reduce the time it takes a lawyer to become a judge. Another 2001 law provides that witnesses may testify in cases heard in distant jurisdictions via teleconference. The Ministry of Justice also has implemented a plan to speed up the serving of subpoenas. Many factors contributed to the backlog, including the underutilization of technology (case folders were still sewn closed by a large number of “needlewomen”), the confusing and drawn out method of serving subpoenas, and the reluctance of the justice system to accept change.

In January and March, the ECHR ordered the Ministry of Justice to pay a fine to three plaintiffs in three separate civil cases. These cases involved violations of Article 6–1 of the Convention. The first case concerned compensation for a breach of contract claim that lasted 14 years and 2 months. The second case was not resolved after 11 years and 1 month. In six other civil cases brought before the ECHR, the Court concluded that the resolution of the cases lasted beyond a reasonable amount of time, and awarded non-pecuniary damages. Many similar examples of judicial delay and backlog were reported in the press.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Roman Catholic Church is the dominant religion. Although the overwhelming majority of citizens are Roman Catholic, other religions, including Islam, Judaism, and Eastern Orthodox, practiced freely.

A 2001 Religious Freedom Act created a legislative framework for religions established in the country for at least 30 years, or recognized internationally for at least 60 years. The Act provides qualifying religions with benefits previously reserved for the Catholic Church: full tax-exempt status, legal recognition for marriage and other rites, chaplain visits to prisons and hospitals, and respect for traditional holidays.

The Act specifies that rules must be established within 60 days after passage; however, the Government had not created rules enabling this legislation by year's end.

The Church of Scientology, although recognized as a religious association since 1986, did not benefit from the Religious Freedom Act, since it had not been established in the country for 30 years or recognized internationally for 60 years, as required under the law. The Church's leaders claimed that they suffered no discrimination or opposition in the country. However, they were concerned that exclusion from the benefits accorded under the Act might have a negative impact on their ability to practice their faith.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and laws provide for these rights, and the Government generally respected them in practice. The law provides for the granting of refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees were entitled to residence permits. The Government rarely ruled that an asylum seeker had a "valid" claim and did not grant first asylum during the year. Immigration authorities attempted to distinguish among political, humanitarian, and temporary refugees, but the Government continued to maintain that the majority of asylum seekers were economic refugees using the country as a gateway to the other EU countries.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections on the basis of universal suffrage. The country is a multiparty parliamentary democracy.

There were 49 women in the 230-member Parliament. The second ranking member of the cabinet, the Minister of State and Finance, was a woman, as was the Justice Minister. Five women held state-secretary positions, which are one rank below cabinet ministers. Some political parties had adopted internal quotas for women.

Race was rarely an issue in politics; persons of minority origin had achieved political prominence.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative to their views; however, most groups complained of slow investigations or remedial actions.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on ancestry, sex, language, origin, political or ideological convictions, education, economic situation, or social condition; however, some discrimination against women and ethnic minorities persisted.

Women.—Domestic and other violence against women reportedly was a common but partially hidden problem for which few sought legal recourse. In 2001 the Portuguese Association for Victim Support (APAV), a non-profit charitable organization that provides confidential and free services to crime victims nationwide, received 7,593 calls on its toll-free hotline in which 8,429 acts of domestic violence were reported. Ninety-five percent of the victims in these cases were women. Of the reported acts, 1,176 were committed against mentally handicapped victims, 88 percent of them women. Although cases of domestic violence occurred throughout the country, more than half of the cases came from the large urban centers of Lisbon and Porto. The Commission for Equality and Women's Rights runs 14 safe houses for domestic violence in the country (4 new ones were opened during the year) and also has a 24-hours-a-day, 7 days-a-week phone service. This phone service received 2,264 calls in 2000 and 2,032 in 2001 (2,009 female and 27 male victims).

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecutes suspects accused of abusing women; however, traditional societal attitudes still discouraged many battered women from recourse to the judicial system. A 2000 law defines domestic violence as a public crime, which obliges

the police to follow through on reports of domestic violence. The change gave police and the courts more leverage to prosecute such cases and removed from the victim some of the burden of bringing charges. The Penal Code grants any interested party the ability to file charges in domestic violence cases. Portugal ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1990, and the Optional Protocol entered into force in July.

Parliament continued to address the problem of domestic violence through legislative initiatives. Under the law, perpetrators of domestic violence may be barred from contact with their victims, and in extreme cases, the police may order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to perpetrators and to assist victims with the professional development necessary to live independent lives. The law establishes a national support network and a system of compensation for victims of domestic violence. Another law provided for the expansion of the system of shelters for victims. The Government also strengthened educational campaigns for the public and specialized training for the police.

Prostitution was commonplace and neither prostitutes nor clients are punishable in the country. Under Portuguese law—which is based on the 1982 Penal Code and the International Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution—only pimping, brothels, and the registration of prostitutes are illegal. Trafficking in women for the purpose of prostitution continued to be a problem (*see* Section 6.f.). Prostitution was linked closely to other types of organized crime, especially international narcotics trafficking. The Nest, an NGO, operated economic and social recovery programs for prostitutes.

Sexual harassment, a problem that continued to gain public attention, is covered in the Penal Code and defined as a sex crime if perpetrated by a superior in the workplace. The penalties are 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discouraged many women from taking advantage of the legal protection available. The Commission on Equality in the Workplace and in Employment, made up of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment; however, it received few such complaints.

The Civil Code provides for full legal equality for women. Women increasingly were represented in business, science, academia, and the professions. A gap nevertheless remained between male and female salaries: according to the latest figures available (1998), women earned an average of 77 percent of men's earnings. Women made up a slight majority of university graduates. The Commission on Equality in the Workplace and in Employment reviewed numerous complaints of discrimination by employers against pregnant workers and new mothers, who were protected by law. The law provides for 120 days of maternity leave with full pay and benefits. After return to work, a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the Government Equality Commission (CITE), which addresses equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must reinstate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15, most of whom attend school. The Institute of Solidarity and Social Security, located within the Ministry of Labor and Solidarity, oversees implementation of the Government's programs for children. The Institute initiated a program to coordinate assistance for children of immigrant families and a program to support early childhood, which included the provision of better childcare facilities. The Government provides preschool education for children from 4 years upon entry into primary school. Each year the number of students enrolled in preschool has increased. The Institute also improved the quantity and quality of temporary shelters for children aged 3 months to 3 years.

The Ministries of Labor and Solidarity, Justice, and Health sponsored a program in the maternity wards of hospitals to register newborns and enroll them in the social security and health programs. The Government provides free or low cost health care for all children up to the age of 15.

There was no societal pattern of abuse of children. APAV and the telephone hotline "SOS Crianca" reported 272 cases of domestic violence against children in 2001, 47 of which were against infants under the age of four. The law defines pedophilia to include consumers of child pornography as well as producers. Following guidelines approved by the EU, the Government has amended its legal code concerning pedophilia. Courts may request jurisdiction of cases involving Portuguese resident

nationals who commit pedophilia abroad, regardless of the victim's nationality or whether the act committed is considered a crime in that country. At the end of the year, the Government made arrests and began a thorough investigation of a high-profile pedophilia operation that had been active since the 1960s at a boarding school in Lisbon named "Casa Pia."

The country served as a transit point for children trafficked from Africa to other Western European countries (*see* Section 6.f.).

The Government ratified the UN Convention on the Rights of the Child in 1990 and signed the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution, and child pornography in 2000. The National Commission for the Protection of Children and Youth at Risk, a governmental organization, is charged with implementing the principles of the convention. The Commission operated under the aegis of the High Commissioner for the Promotion of Equality and of the Family and includes representatives from the Ministries of Justice, Health, Education, and Labor, as well as from leading NGOs. It organized public awareness programs and promoted legislation that protects children's rights. Along with the Institute for Social Development, the Commission distributed to students copies of the articles included in the Convention of the Rights of Children. The two organizations also produced two books geared toward educating children about their rights. The quasi-independent Institute for the Support of Children organized a network of 48 NGOs dedicated to helping at-risk youth. It served as an information clearinghouse for NGOs working on children's issues, provided telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect, and operated services assisting street children. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or the provision of other state services. The law mandates access to public buildings for such persons, and the Government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

National/Racial/Ethnic Minorities.—The principal minority groups were immigrants, legal and illegal, from Portugal's former African colonies, Brazil and Eastern Europe. During the year, the number of immigrants from Eastern Europe and Brazil increased greatly, while immigration from Africa decreased. News articles had reported that Eastern Europeans were more easily assimilated than Africans, who still faced some discrimination. The country also had a resident Roma population of approximately 50,000 persons, who had been the subject of some discrimination and violence.

The law permits victims and antiracism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. In 1999 antiracism laws reiterated antidiscrimination sections of the Constitution and the Penal Code. The laws prohibit and penalize racial discrimination in housing, business, and health services. The laws also provided for the creation of a Commission for Equality and Against Racial Discrimination to work alongside the High Commissioner for Immigration and Ethnic Minorities. At year's end, the Commission still had not made significant improvements.

The growing number of undocumented workers who entered the country illegally was a problem; however, the Government took steps to address the problem. The law provides a framework for undocumented aliens to obtain legal status and access to social and health benefits. The country legalized 130,000 foreigners in 2001, bringing the total number of legal immigrants authorized to work to about 350,000 (an increase from 2 to 3.5 percent of the population). The largest numbers came from Cape Verde, Brazil, Ukraine, Moldova, Romania, and Russia.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to establish unions by profession or industry. Workers in both the private and public sectors had the right to associate and to establish committees in the workplace to defend their interests, and they exercised these rights freely.

Two principal labor federations existed: the Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limited the formation of additional labor federations. Unions functioned without hindrance by the Government and were associated closely with political parties. Trade union associations had the right to participate in the preparation of labor legislation.

There were no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining, and it was practiced extensively in the public and private sectors. Collective bargaining disputes usually were resolved through negotiation. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

Strikes are permitted by the Constitution for any reason, including political causes; they were common and generally were resolved through direct negotiations. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes last only 1 to 3 days. The law requires a “minimum level of service” to be provided during strikes in essential sectors, but this requirement was applied infrequently. When it was applied, minimum levels of service were established by agreement between the Government and the striking unions. Unions have complained, including to the International Labor Organization (ILO), that the minimum levels have been set too high.

In response to the Government’s proposal to revamp the country’s rigid labor code, unions organized a public sector strike in November and then a general strike in December. Both strikes affected important public services; however, the police did not interfere and no incidents of violence were reported.

Police officers and members of the armed forces may not legally strike. However, in June 2001, police went on strike and demonstrated before Parliament as part of their demand to form a union. Parliament passed a law in December 2001 granting police the right to form unions but upholding the prohibition of strikes by police.

The law prohibits antiunion discrimination, and the authorities generally enforced this prohibition in practice. The General Directorate of Labor promptly examined complaints.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.d.). There were several media reports of businesses and organizations illegally using mentally handicapped individuals for strenuous manual labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years. There were instances of child labor, but the overall incidence was small and was concentrated geographically and sectorally. The greatest problems were reported in Braga, Porto, and Faro and tended to occur in the clothing, footwear, construction, and hotel industries.

In October 2001, the Government undertook a new comprehensive study of the child labor problem. The Government estimated that 46,717 children on the Portuguese mainland engaged in some form of economic activity, of whom 40,001 were unpaid family workers and 6,716 worked for third parties. These results represented a shift from 1998, where a greater percentage of those involved in economic activity worked for third parties. Of those children engaged in an economic activity, 86.2 percent were attending school, compared with approximately 78 percent in 1998. The survey confirmed that most children engaged in economic activity come from the northern (57.7 percent) and central (26 percent) regions of the country. The agricultural sector employed the most children, followed by commerce, manufacturing, hotel and catering, and construction. When asked why they were engaged in economic activities, 54.5 percent of the children replied, “because they wanted to,” compared to 26.8 percent in 1998. The number of respondents citing “household economic problems” and “no one else wants to do it” declined. The majority of children worked 1 to 3 hours per day, and children tended to work either one to two days per week or 6 to 7 days per week. A great majority (87 percent) said that their work was easy, and 89 percent said that they enjoyed their work.

Government agencies had noted a continued gradual shift from child labor in industries to child labor in the home. Children increasingly worked in family businesses, particularly in rural farm work. The extensive national network designed to combat child labor began to shift some of its resources toward these family-run businesses.

The Government’s fight against exploitative child labor included policies designed to address some of the root causes. A government commission, the Plan for the Elimination of Exploitation of Child Labor (PEETI), has developed, in conjunction with several NGOs, an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. There were 34 programs

established in the country serving approximately 600 youth. Most of the programs were concentrated in the northern region of the country, where 73 percent of the youth were served. While youth from Lisbon and surrounding areas only accounted for 13.5 percent of program participants, they accounted for the highest percentage of youth subject to the worst forms of child labor. PEETI gave "scholarships" to help offset the loss of income to the family. Up to 800 teenagers participated in this work-study program on a rotating basis during the year. PEETI also sponsored summer camps for at-risk youth to attend when school is not in session. The National Council Against the Exploitation of Child Labor (CNETI), a multiagency government body, coordinated efforts to eliminate child labor.

The Government's guaranteed minimum income program provided some families an alternative to sending their children to work. Since its inception, more than 691,897 persons have participated in this program. As of April 2001, 390,428 were still receiving this benefit. The Government noted that this program had helped 16,492 children return to school.

In June 2000, the country ratified the ILO 182 Convention on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—Minimum-wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 and over. The monthly minimum wage during the year was approximately \$348 (348 euros). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage afforded a decent standard of living for a worker and family. Most workers received higher wages.

Employees generally received 14 months' pay for 11 months' work: the extra 3 months' pay were for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday was 10 hours, and the maximum workweek was 40 hours. There was a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitored compliance through its regional inspectors.

Employers legally were responsible for accidents at work and were required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continued to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in harmony with EU standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacked sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiated lawsuits. A relatively large proportion of accidents occurred in the construction industry. Poor environmental controls in textile production also caused considerable concern. While the ability of workers to remove themselves from situations where these hazards existed was limited, it was difficult to fire workers for any reason and severance payments were high.

In January 2001, the Government passed a law requiring all contractors on a work site to accept responsibility for verifying a worker's legality. Previously, difficulties arose in identifying who the true employer of a laborer was on a construction site. This new law makes every employer subject to penalties if the Government finds illegal immigrants laboring on a work site.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in illegal workers and, to a lesser extent, in women and children for prostitution remained a problem.

Under the Penal Code, trafficking in persons is punishable by 2 to 8 years' imprisonment. In January 2001, Parliament passed legislation that established prison sentences of 1 to 4 years for facilitating the illegal entry of persons; for those employing an illegal immigrant, the sentence is 2 to 5 years. The revisions also criminalize the trafficking of children under 16 years old for the purpose of sexual exploitation and the simple exhibition or distribution of pornographic materials. The criminal investigation of these cases is difficult, given the sophisticated methods used by the traffickers, the cultural and language barriers between the immigrants and the Portuguese, and the desire of these immigrants to earn a living. Nevertheless, the Government has taken an active role in investigating those involved in the trafficking of persons. Portugal's border control agency (SEF) initiated 285 investigations in 2001, up from 73 in 1996. From 1998 to 2001, SEF investigations resulted in 53 convictions of individuals charged with crimes related to illegal immigration. Of those convicted in 2001, 9 were Portuguese, 5 were Brazilian, 4 were Moldovan, 3 were Ukrainian, and 3 were Romanian.

The SEF's arrest of Angolan-born Portuguese citizen Pedro Damba in December 2000 at the Faro airport on his way to London uncovered an extensive network that

trafficked Angolan and Portuguese children to the United Kingdom, often using Portugal as a transit country. Damba was sentenced to six years in prison for falsification of documents, but international investigations into Damba's activities showed that from November 1997 to December 2000, he traveled from Portugal to London 44 times accompanied by at least 112 Angolans, many of them minors. The SEF also reportedly found that some of the trafficked children were Portuguese residents or citizens. The SEF, PJ, Scotland Yard, and other international officials were continuing their investigations into Damba's activities and into the final destination of the trafficked persons at year's end.

Some Portuguese women were trafficked to Spain for sexual exploitation; the majority of these women tended to be from poorer areas and were often drug users. Some women from Brazil, Lusophone Africa, and Nigeria also were trafficked into Portugal. The majority of trafficked persons originated in the former Soviet Union, specifically Moldova, Ukraine, Russia, and Belarus. Mafia organizations, primarily of Moldovan and Ukrainian origin, were present in the country and operated largely in the transportation and extortion of Eastern European manual laborers.

Trafficked workers from Eastern Europe arrive in an organized manner. Traffickers sell "package tours" to illegal immigrants, providing them with a passport, Schengen visa, and bus transportation to Portugal. More than 80 percent of illegal immigrants enter Portugal as "tourists," having obtained visas from either the Dutch or German embassies in the former Soviet Union, primarily Kiev or Chisinau. Along the route to Portugal, passengers must pay "tolls" to the traffickers. Typically upon arrival at the Spanish border, "bandits" working on behalf of the trafficking rings steal money from the trafficked persons and often steal or confiscate their passports. The victims often arrive in Portugal with neither money nor documents, making them easy targets for organized crime members. The SEF has cracked down on these "tourist" buses bringing illegal laborers to Portugal; however, the traffickers also use small vans to evade detection.

Once at their destinations, the victims live in overcrowded, substandard "hostels." The traffickers offer them loans at very high interest rates and, for a fee, find them jobs at construction sites or other industries, e.g., textile mills, woodworking or metal shops, and marble fabrication. Generally the traffickers' local group leader at the hostel sets up the work and provides transportation. The traffickers coerce the workers into paying large portions of their salaries to them. A refusal to pay leads to severe beatings and allegedly even murder.

Traffickers generally were linked to organized crime rings. Of the 130 Eastern Europeans under detention at the end of 2001, 50 were considered to be very dangerous, given their links to organized crime. Most were sentenced for crimes relating to extortion, rape, kidnaping, and murder. To prevent these criminals from escaping or creating internal unrest in the prison population, the DGSP has created special security sections within the prisons to house them.

To break the control traffickers hold over their clients, the Government instituted a regularization process in January 2001. The process allowed illegal workers to obtain legal work permits, valid for one year at a time. After 5 years, temporary work permits may be converted into residence permits. As of May, 180,060 illegal immigrants had obtained temporary work permits. The Government granted permits to approximately 65,000 Ukrainians, 12,600 Moldovans, 11,000 Romanians, and 7,000 Russians. To qualify for a temporary work permit, applicants must be able to demonstrate that they were physically present in Portugal prior to November 2001 and hold a valid work contract. Applicants failing to meet these requirements must apply for a temporary work permit at a Portuguese diplomatic mission abroad.

The country did not have any trafficking-specific assistance programs or statistics, but APAV, many immigrant groups, and international NGOs provided assistance to victims and raised public awareness of trafficking issues. The Government helped victims through a witness-protection program.

ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Adrian Nastase is the Head of government and President Ion Iliescu is the Head of State. Nastase's Social Democratic Party (PSD) and Iliescu won elections in November and December 2000 that were judged to be generally free and fair. Under the law the judiciary is to be independent of other government branches; however, in practice the executive branch exercises influence over the judiciary.

The National Police were primarily responsible for law enforcement, the gendarmerie for preserving public order, and the Border Police for maintaining border se-

curity. The Ministry of the Interior supervises these organizations. Protection against external threats was the primary responsibility of the military. An internal intelligence service assesses threats to national security but had no law enforcement powers. All security and intelligence organizations operated under the authority of civilian leadership. Some police officers committed serious human rights abuses.

The country was a middle-income, developing country in transition from a centrally planned economy to a market economy. Its population was approximately 21.7 million. The private sector accounted for 67.1 percent of gross domestic product (GDP) and employed 62.8 percent of the work force, primarily in agriculture, commerce, and services. During 2001 121 firms were privatized, and an additional 118 were privatized in the first half of the year. Approximately 1,200 firms were left in the State Privatization Fund's portfolio, including several of the country's largest firms. GDP grew 5.3 percent in 2001 and officially estimated GDP growth during the year was 4.5 percent. Inflation decreased from 40.7 percent in 2000 to 30.3 percent in 2001 and was estimated at 20 percent for the year. Official statistics significantly understated economic activity because of the size of the informal economy.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police use of excessive force resulted in three deaths. Police officers continued to beat detainees and reportedly harassed and used excessive force against Roma. The Government investigated some police officers suspected of abuse and suspended them from duty or indicted those accused of criminal activities in military courts. However, investigations of police abuses generally were lengthy and inconclusive and rarely resulted in prosecution or punishment. The Parliament enacted legislation that transferred jurisdiction over prosecution of police abuses to the civilian court system; however, the rest of the security forces, including the Border Police and the gendarmerie, remained part of the military court system. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Prison conditions remained harsh and overcrowding remained a serious problem; however, conditions slightly improved. At times authorities violated the prohibition against arbitrary arrest and detention. The executive branch continued to influence the judiciary, and widespread corruption remained a problem.

The Government at times restricted freedom of speech and of the press. Religious groups not officially recognized by the Government complained that they received discriminatory treatment from the authorities. Societal harassment of religious minorities, violence and discrimination against women, and restitution of property confiscated during the Communist regime remained problems. There were large numbers of impoverished homeless children in large cities. Discrimination and instances of societal violence against Roma continued. Child labor abuses continued. There were reports of government interference in trade union activity. Trafficking in women and girls for the purpose of prostitution was a problem which the Government took steps to address. Romania was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, police at times used excessive force that led to the deaths of citizens.

On March 21, Mihai Iorga died in Bucharest due to the beatings he sustained from trustees and police officers in prison. These beatings took place on March 12 and March 16, and included beating him on the head with a hammer, inducing a coma. He was taken to the hospital twice but received no treatment. Police stated that Iorga's death was due to an "alcoholic coma," but a March 25 autopsy established that Iorga had been beaten to death.

During the year, two officers were demoted and charged with criminal acts in the July 2001 beating death of a detainee in Cugir, allegedly from beating by the officers attempting to obtain a confession. The case remained pending at year's end. The Supreme Court acquitted a police officer indicted in 1999 for illegal use of a weapon in the 1996 killing of a Rom from Cemani, Mircea Muresul Mosor, who was shot in the back while in police custody. A court ruled that the police officer was justified in his use of lethal force against Radu Marian, an unarmed Rom killed during a police raid on a group of cigarette smugglers.

In June the nongovernmental organization (NGO), Romani CRISS, reported that 18-year-old Nelu Balasoiu, a Rom, was found dead in Jilava prison near Bucharest. Balasoiu's family maintained that he was healthy before he entered prison and al-

leged that his death resulted from his detention. Romani CRISS was continuing the investigation into Balasoiu's death at year's end.

A military tribunal launched a penal investigation regarding the abusive conduct of two police officers in the beating death in July 2001 of Dumitru Grigoras while in custody in Bacau County. One of the officers was suspended from his job and arrested in October 2001. The other remained under investigation at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police beat detainees and used excessive force. Human rights organizations cited numerous reports of torture and mistreatment by police.

On June 19, Chief of Police Florin Sandu acknowledged the existence of instances in which police officers committed abuses. Sandu stated that in 2001, 5,000 police officers had been sanctioned in violation of labor rules, and 434 of those cases were pursued in court. Of the 434 cases, 173 were found to be "abuse of force" cases.

A new Police Organization Law, which entered into force on May 9, allows the use of firearms against those fleeing police arrest or detention. In the view of many observers, this violated the widely accepted principle that deadly force may be used only against individuals who represent an imminent threat of death, or of grievous injury to others.

Romani NGOs claimed that police used excessive force against Roma and also subjected Roma to brutal treatment and harassment. On February 5, gendarmes beat a 14-year-old Romani child, Calin Sterica, in a Galati schoolyard. The gendarmes were called in because of a disturbance; despite not being involved, Sterica was beaten with fists and clubs. His mother, who had come to see what was going on, was fined \$120 (4 million lei) for "disturbance of the public order." According to the Romanian Helsinki Committee (APADOR-CH), the Roma County Bureau discouraged the mother from filing a complaint.

On March 12, police beat Severius Tanase in Sacele, in Brasov County, just outside of the police station. Tanase was then taken into the station, where he allegedly was beaten again. Tanase was then urged to sign a report admitting he committed a petty offense. An investigation into this case was initiated, but no further action was taken by year's end.

In the Silaghi beating case from April 2001, in which police beat a 15-year-old girl, officials indicated their intention to take disciplinary action by year's end against the police officer involved in the beating. The Mugurel Soare case brought about an investigation, and the case went to the Military court system, where the police officer was found to have been justified in his use of force against Soare. The courts exonerated police in a case involving police harassment of a gay individual, Adrian Georgescu. A final appeal to the European Court for Human Rights was underway at year's end.

In December 2001, plainclothes police officers shot Fanica Dumitrache while he was trying to steal gas from a car. The two police officers told him not to run, or they would shoot. Dumitrache, who claimed he did not know the two were police officers, began to run. One of the officers, Iulian Cristea, shot Dumitrache. The police officers then took Dumitrache to the hospital.

Judicial cases involving military personnel and the police were tried in military courts for most of the year (*see* Section 1.e.). At times some military prosecutors blocked proper investigation of alleged police abuses, or courts passed extremely light sentences. Under the Police Officer's Status Law, which entered into force on June 24, police officers will be investigated for crimes by civilian prosecutors. Military prosecutors will continue to try cases that involve "state security," and the gendarmerie and Border Police continue to fall under military jurisdiction.

Prison conditions were harsh; however, efforts to improve the prison system led to some gradual and positive changes. There are a total of 44 penal units (an increase from 43 in 2001), 35 prisons (an increase from 34 in 2001), 5 prison hospitals, and 3 juvenile detention facilities. Overcrowding remained a serious problem. As of August 2001, 50,549 persons, including 1,050 minors, were in detention, while the legal capacity of the system is 33,246. The law provides alternative sentences, such as community service, for minor offenses, and is aimed at reducing the prison population. It has been moderately successful. Men and women, adults and juveniles, and pretrial detainees and convicted criminals were held separately in the prison system.

Human rights organizations reported that the abuse of prisoners by other prisoners and prison authorities continued to be a problem. Prisons continued to use the "cell boss" system, in which some prisoners were designated to be in semiofficial charge of other prisoners in places where there were 10 or more prisoners in the

same room. There were attempts to ameliorate this system by giving the inmates the right to select these "cell bosses" by vote, which improved the situation slightly. Prison authorities introduced some vocational training programs to assist inmates' future integration into society, which also led to some improvement.

The Government permitted prison visits by human rights observers; however, authorities imposed more restrictive conditions for prison visits. The new conditions, which are based on internal regulations that the Ministry does not release to the public, require that the visit be requested by a prisoner and be announced 3 to 4 days in advance. The authorities gave access to the prisons to 809 representatives of 274 newspapers and local or national TV stations during the first six months of the year. Prison units and minors' detention centers were visited by 2,495 persons, including 251 foreign citizens, representing 239 NGOs during the same period. Some NGOs, such as the International Committee of the Red Cross (ICRC), obtained approval to meet weekly, monthly, or bimonthly with prisoners without the presence of third parties.

Visits to several penitentiaries by human rights organizations highlighted the problem of overcrowding. For example, Ploiesti penitentiary held 1,150 detainees in a space designed for 760. According to APADOR-CH, overcrowding has become less of a problem in other institutions. In a May 23 visit to Bistrita penitentiary, APADOR-CH found that there were 948 beds for 1,033 detainees, an improvement over previous years. In a similar visit on March 14 to Giurgiu Penitentiary, built in 1994, APADOR-CH found the number of detainees only slightly exceeded the capacity of 1,000.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, at times the authorities did not respect this right in practice. The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling; however, courts and prosecutors often extended pretrial detention, to several years in some cases. Pretrial detention counts towards sentence time if a detainee is convicted. One out of every three individuals in the prison system in 1995 was a pretrial detainee, compared with one in five in 2000. The law requires the authorities to inform those arrested of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement; however, police often did not inform citizens of their rights. In addition, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest. Detainees have the right to apply for bail, but in practice bail rarely was granted. Detainees may also ask for a hearing before a judge. Such a request must be granted within 24 hours.

Police often took advantage of a Police Organization Law provision, which states that persons endangering the public, other persons, or social order and whose identity cannot be established, may be taken to a police station. Police used this provision of the law to detain persons for up to 24 hours at police stations. The new Police Organization Law appears to extend this provision. In April the Supreme Court ruled that such detention was not arbitrary. Roma were disproportionately affected by this detention provision and often were viewed suspiciously by police. They often lacked appropriate identity documents, which made it easier for police to apply this article.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if they are older than 16, or, if between the ages of 14 and 16, if they have committed a crime consciously. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police were permitted to question them without restriction and could hold those suspected of criminal offenses for up to 30 days in such centers. Local and international human rights groups called on the Government to change this law, which appears to be in conflict with the Constitution.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers; this law was respected in practice.

The Government detained asylum seekers indefinitely in some cases (*see* Section 2.d.).

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—Under the law, the judicial branch is independent of other government branches; however, it remained subject to influence by the executive branch. Members of the Senior Council of Magistrates (CSM), which controls

the selection, promotion, transfer, and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council. However, the Justice Minister chairs the CSM as a nonvoting member, provides much of the staff work for the CSM, and controls its agenda. The Justice Minister also supervises by law the prosecutors who make up a significant portion of the CSM. The judicial system was widely regarded as weak, inefficient, and suffering from systemic corruption, although the Ministry of Justice continued to investigate and bring prosecutions against corrupt judges and officers. In June Parliament enacted a September 2001 emergency ordinance establishing a National Anti-Corruption Prosecutor's Office. This body is authorized to investigate charges of corruption by high officials and instances of corruption that have generated more than \$100,000 (3.3 billion lei) in damage or seriously disturbed the activity of public authorities.

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The judicial system establishes a prosecutor's office associated with each court.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups have criticized this system, claiming that the military prosecutor's investigations were unnecessarily lengthy and often purposefully inconclusive (*see* Section 1.c.). As a result of the Police Organization Law, which took effect in May, civilian courts and prosecutors began to try cases involving the National Police but not other law enforcement bodies.

The law provides for the right to a fair trial; however, the judiciary suffered from systemic corruption. Defendants are presumed innocent. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provided attorneys to the indigent and was compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurred occasionally (*see* Section 1.c.). Due to a lack of plea bargaining, the judicial system tended to be inefficient and slow. An average case took four and a half years to complete.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, there were some restrictions. The Constitution provides for protection against the search of a residence without a warrant; however, this protection is subordinate to "national security or public order." The law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials have the authority to enter residences without authorization from a prosecutor if they deem a threat to national security to be "imminent"; however, such actions were rare.

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Internal Intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the Government for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations such as surveillance; requesting official documents or information; or consulting with technical experts, to determine if a situation meets the legal definition of a threat to national security or to prevent a crime.

The law permits citizens access to secret police files kept by the Communist government. Under the law, any individual who held Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and releases the information unless it was a state secret or could threaten national security. The files remain in the custody of the intelligence services. This law has been criticized for exempting files of current employees of the intelligence services from review and for restricting the definition of an informer to an individual who received actual payment for services.

In March 2001, Parliament passed legislation requiring individual citizens to report foreign guests to the police if the guest remained in the country for more than 2 weeks; this legislation was criticized by human rights groups as infringing on privacy rights. Some minority groups, including ethnic Hungarians and Germans, also

expressed concern over the law, since they often have family visitors for extended periods of time.

Twenty Roma living in tents in the Vacaresti Lake area of Bucharest were given notice to leave by May 15. When they failed to do so, city hall representatives pulled down their tents, citing the lack of sanitary living conditions as the reason for eviction. Observers disputed the legal basis for this act and alleged it was prompted by anti-Roma prejudice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press, and the Government generally respected these rights in practice; however, the prohibitions against “defamation of the country” and “offense to authority” limited these rights.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers were published. Foreign news publications may be imported and distributed freely, but high costs, compared to domestic publications, limited their circulation.

Several private television stations broadcast nationwide, with the largest reaching approximately 45 percent of the rural and 85 percent of the urban market. There were 117 private television stations and 260 private radio stations. Approximately 3.4 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters capable of reaching the bulk of the rural population at year’s end. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions.

Press and television coverage generally reflected the political viewpoints of owners, which covered most of the political spectrum. State-owned television and radio coverage tended to be biased in favor of the Government. In December 2001, on a party line vote, the ruling party forced out the governing board of the state owned radio network, which had been appointed by a previous government. The new radio leadership reflected the ruling party’s views in its coverage. Media accuracy was not high but has been improving gradually.

The Penal Code has been criticized by human rights organizations and journalists for including jail terms for those convicted of libel or calumny. In May the Chamber of Deputies replaced the prison term for insult with a fine. However, the Government retained a prison term (2 to 24 months) for libel. The sentence was increased to 3 to 36 months for libel directed at government officials. The move was widely criticized by press and human rights organizations. Although President Iliescu stated that insult and calumny must be penalized in some form, in October he returned the ordinance to Parliament, asking that the prison penalty for calumny be dropped. The issue was still pending at year’s end.

Article 168 of the Penal Code provides criminal penalties for spreading false information aimed at attacking the country’s national security. Using this article, in January the Government briefly detained two individuals suspected of publicizing information over the Internet about alleged corruption involving the Prime Minister. The Government also instituted proceedings against opposition ultra-nationalist politician Corneliu Vadim Tudor under article 168 after he asserted, shortly after September 11, 2001, that the Government had trained Hamas terrorists in the mid-1990s. The Government, responding that they had trained Palestinian Authority security officers, stripped Tudor of his Parliamentary immunity and continued to prosecute him during the year on the grounds that he had disseminated false information which endangered state security or the country’s international relations.

NGOs defending freedom of the press and the media reported that journalists of the local Ziarul de Vrancea newspaper were victims of various types of pressure and harassment allegedly orchestrated by the President of the Vrancea County Council, a member of the ruling PSD party. Financial regulators repeatedly harassed journalists who were critical of the local government, demolished the newspaper’s kiosks, and evicted them from their offices, even though the rent had been paid in advance.

Local officials, including the Vrancea Prefect, also filed numerous court cases against Ziarul de Vrancea journalists.

Access to the Internet was not restricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or

social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counter demonstration held at the same time as a scheduled public gathering. A law passed in March forbids fascist, communist, racist, or xenophobic symbols (statues of war criminals are not permitted on public land), ideologies, or organizations. Unauthorized demonstrations or other violations were punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties gain legal status if they have at least 10,000 members.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing and interfered with other religious activities.

The press reported several instances when adherents of minority religions were prevented from practicing their faith, and local law enforcement authorities did not protect them. The Romanian Orthodox Church predominates; approximately 86 percent of the population nominally adheres to it.

The Government officially recognizes 15 religions; only the clergy of these 15 recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, receive funds to build churches, pay clergy salaries with state funds, subsidize clergy's housing expenses, broadcast religious programming on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status.

The number of adherents each religion had in the 1992 census determines the proportion of the budget that each recognized religion receives. Representatives of minority religious groups disputed the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or assigned an affiliation even without inquiring about religious affiliation. A new census was conducted in March, but its final results will not be published until 2003. Religious and ethnic groups complained that census takers undercounted their numbers or misidentified their members as being in the ethnic Romanian Orthodox majority during the census.

The Government requires religious groups to register, and government registration and recognition requirements posed obstacles to minority religions. Representatives of religious groups that sought recognition after 1990 alleged that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church. They also complained that they did not receive clear instructions concerning the requirements, and that often the State Secretary on Religions did not respect the time frame in which they had to make a decision on their application. During the year, the Government failed to comply with a Supreme Court order to give Jehovah's Witnesses status as a religion. The Government has not granted any religious group status as a religion since 1990.

The Government registered religious groups that it did not recognize either as religious and charitable foundations or as non-profit cultural associations. A May 2000 law simplified this registration process and removed the minimum number of members required to set up religious associations and foundations.

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups complained that on various occasions local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Evangelical Alliance reported difficulties in obtaining approval to use public halls for religious activities following negative press campaigns that described neo-Protestant religions as "sects." Orthodox priests incited the local population against activities sponsored by the Adventist Church in Probata-Iasi County, where the situation stabilized only when the local authorities intervened.

New regulations regarding building permits for "places of worship," issued by the Government in May 2001, no longer differentiated between recognized and unrecognized religions in terms of what they are allowed to build as places of worship. Prior to this, unrecognized religions received building permits for "halls of prayer" only and not for "places of worship." Although most minority religious groups declared that they had received permits to build places of worship without any difficulty, some of them made credible complaints that these regulations generated delays in the process.

Although protected by law, several minority religious groups, which include both recognized and unrecognized religions, made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the year. In some instances, local police and administrative authorities tacitly supported societal campaigns against proselytizing that at times were violent. While there is no law against proselytizing, in some localities proselytizing was perceived as being directed at adherents of established churches, and conflicts occurred.

Recognized religions also have the right to teach religion in public schools; however, a number of religious groups, including the Baptists, reported that they had been unable to have classes offered in their faiths in public schools because of the influence of the Orthodox Clergy. In at least one instance, a child who was a member of Jehovah's Witnesses was threatened with not graduating unless she attended the Orthodox religious classes.

Previously, a small number of religious and communal properties confiscated under the Communist regime were restituted by government decrees in lieu of a restitution law. In June Parliament passed a law restituting large numbers of religious properties confiscated by the Communist regime. In many cases religious minorities did not succeed in regaining actual possession of the properties despite the restitution by these decrees. Many properties returned by decree house state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by current possessors delayed restitution of the property to the rightful owners.

The Greek Catholic, or Uniate, Church made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. The return of places of worship was specifically excluded from the provisions of the June law. This exclusion primarily affects the Greek Catholics; churches of other faiths generally were not seized by the Communists. Of the approximately 2,600 properties to which the Greek Catholic Church has claim, only a handful have been returned. The Greek Catholic Church had very few places of worship. Many followers still were compelled to hold services in public places or parks (289 such cases, according to Greek Catholic reports). In order to avoid restitution, the Orthodox Church demolished many Greek Catholic churches under various pretexts, including that the buildings were structurally unsafe. In February the Orthodox Patriarch, in a letter to the Minister of Justice, described court rulings in favor of the Greek Catholic Church as "illegal" and "abusive" and stated that decisions on such cases should be made only by the joint Orthodox-Greek Catholic committee. The Minister of Justice distributed the letter to all Courts of Appeal.

On the night of March 15, a group of Orthodox followers, led by an Orthodox priest, occupied a recently restituted Greek-Catholic church in Ocna Mures, Alba County. Greek Catholic witnesses say that armed police forces did nothing and even assisted with the occupation. The church was returned to the Greek Catholic church by court ruling at the end of the year.

Restitution of the existing churches was a critical factor to both sides, because local residents were likely to attend their local church whether it was Greek Catholic or Orthodox; thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, have received only a small number of their properties back from the Government. Out of 1,791 buildings claimed by the Hungarian churches, 113 were restituted by government decrees; however, the churches involved were permitted to take actual possession of fewer than 20. Following discussions between the ruling PSD and the Democratic Union of Hungarians (UDMR) at the beginning of May, small steps were made toward speeding up the actual restitution of 13 buildings (9 of them belonging to the Hungarian churches) returned by previous decrees. The Jewish community has received 42 buildings by government decree but has obtained actual possession of less than half of them.

In June 2001, members of the "New Right" (Noua Dreapta) organization (a small, extreme-right group with nationalistic, xenophobic views) beat four Mormon missionaries who were riding on a streetcar in Bucharest. No measures were taken against the group.

Many representatives of minority religions credibly complained that private and governmental organizations operating hospitals, children's homes, and shelters for the elderly often permitted only Orthodox priests to grant religious assistance in them. Charitable activities carried out by other churches in children's homes and shelters often have been interpreted as proselytizing. According to the Seventh-Day Adventist Church, Orthodox priests have not allowed Adventist ministers to conduct

burial rituals in localities, primarily in rural areas, where the number of Adventist members was small.

Members of Jehovah's Witnesses complain that the number of cases in which their ministers have been abused verbally and physically by persons incited by Orthodox priests (who often took an active part in these actions) increased. Such cases were reported in Sutesti and Dragasani (Valcea County) and Budesti (Bistrita Nasaud County).

The far-right press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. Extremist publicists made repeated attempts to deny that Holocaust activities occurred in Romania or in Romanian administered territory. At the end of June, the local police confiscated 2,000 copies of an anti-Semitic book published in Arad by a foreign-based Iron Guard member. Religious services to commemorate legionnaire leaders continued to be held in Orthodox churches. During the year, Jewish cemeteries were desecrated in four localities. Two synagogues were desecrated during the same period; the perpetrators were not identified. No progress was made on investigations into the desecration of Jewish synagogues and cemeteries in 2001, 2000, and 1999.

Most mainstream politicians publicly criticized anti-Semitism, racism, and xenophobia as well as attempts to deny the Holocaust and to rehabilitate World War II dictator Marshal Ion Antonescu. In March a course in the history of the Holocaust was included among subjects to be studied at the National War College (directly subordinated to the Ministry of Defense). During the same month, the Government issued two emergency ordinances against fascist, racist, and xenophobic organizations; against the cult of war criminals (which refers to attempts to rehabilitate Antonescu, who was executed in 1946 as a war criminal); and for the protection of Jewish cemeteries and synagogues. In accordance with the first ordinance, six statues of Marshal Antonescu (in Piatra Neamt, Slobozia, Letcani, Jilava, Calarasi, and Sarvas) were taken down. A Marshal Ion Antonescu square in Piatra Neamt was renamed at the end of April.

According to the Baha'i Faith, a group of youths disrupted a show and an exhibit sponsored by their association in Herestrau Park in Bucharest in July 2000. The youths called the Baha'is a "sect," used a Nazi greeting, shouted "long live the Orthodox Church," and destroyed all the exhibit materials. The police cooperated with the Baha'is in investigating the incident, but it had not been resolved by year's end, and there was no sign that the investigation was continuing.

For a more detailed discussion see the *2002 International Religious freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

In July the mayor's office in Bucharest worked with the "Roma Party of Sector 6" (a district of the city) to convince Roma illegally living on public land in Sector 6 to return to their original homes. When the Roma Party and the mayor's office failed to convince the Roma to leave the public land and return to their homes voluntarily within 72 hours, the Roma were removed by force and returned to their localities of origin.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum. According to the National Refugee Office, between January and June, 532 individuals submitted applications for asylum, and 41 were approved. There were no voluntary repatriations. The law establishes a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Interior Ministry and the Labor Ministry funded programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) was minimal; it usually was not enough to cover basic needs. The Government provided temporary accommodation in a few locations; however, the facility in Bucharest operated well below its capacity. Programs for integrating refugees into society developed slowly. An increasing number of transiting illegal migrants regarded the country as a springboard to other countries.

There were no reports during the year of the forced return of persons to a country where they feared persecution. The UNHCR expressed some concern over cases in which the Government reversed an initial acceptance of an asylum claim on undefined "national security" grounds.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage.

In November and December 2000, in elections that were judged to be generally free and fair, the center-left PSD won a near majority in the legislature and the PSD candidate, Ion Iliescu, won the presidency. The PSD governed as a minority government, with support from the Democratic Union of Hungarians in Romania (UDMR). The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud from the losing PRM candidate, Corneliu Vadim Tudor, were not judged to be credible.

No legal restrictions hindered the participation of women in government or politics but societal attitudes were a significant impediment. The Parliament was composed of 10.3 percent women, with 12 Senators and 38 Deputies. Women ministers constituted 20 percent of the cabinet, holding five ministerial posts. Women in general voted in the same proportion as men. None of the 41 county prefects, an appointed position to represent the central government at the county level, were women.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright. Organizations representing 18 minority groups elected deputies under this provision in 2000. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma were underrepresented in Parliament; low Roma voter turnout and internal divisions worked against the consolidation of votes for one candidate, organization, or party. There were two Romani parliamentarians; the former Romani minority representative joined the PSD and sat in the legislature, and the Constitution and electoral legislation provide for one seat for Roma. During the year, the PSD signed protocols of cooperation with Hungarian, German, and Roma minority parties.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Domestic human rights monitoring groups included APADOR-CH, the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups, such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections to monitor the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

Government officials were generally cooperative and responsive to NGOs, although some offices were slow to respond to inquiries. Local human rights monitoring agencies found it difficult to obtain statistics concerning police abuses. The Ministry of the Interior, which is responsible for investigating such abuses, responded unevenly to inquiries from monitors. Often victims were reluctant to come forward, and the Government did not promote transparency in this regard.

In February 2000, the Ministry of the Interior tightened conditions for prison visits by human rights organizations (*see* Section 1.c.).

An Ombudsman's Office worked to protect citizens against abuses by public officers. In 2001 the office received 6,887 complaints; of these only 1,671 were accepted as falling under the Ombudsman's jurisdiction. By May 31, 2,509 complaints had been addressed to the Ombudsman's office, only 457 of them were in its jurisdiction. More than half of them—1,828—related to social, economic, and cultural rights. The office registered these complaints and was obliged by law to provide an initial response within a year of the date that they were recorded. The Ombudsman was moderately effective; however, the lack of executive powers limited the Ombudsman's authority. The office dealt not only with human rights but with all facets of citizens' interaction with the Government. The Ombudsman's role still was not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, sex, opinion and political allegiance, wealth, or social background. However, in practice the Government did not enforce these provisions effectively, and women, Roma, and other minorities were subject to various forms of discrimination.

In January Parliament ratified a September 2000 emergency ordinance that outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination. However, the major tool—the National Council on Combating Discrimination—was not established until July 31. At the end of April, a large number of NGOs active in combating discrimination protested the Government's non-transparent manner of nominating the members of the Council's board and its failure to consult human rights NGOs on this issue.

According to UNOPA, the principle of confidentiality and the right to work were sometimes disregarded. For example, employees were hired and fired in certain situations according to their HIV status, although this violated the country's labor rights legislation.

Women.—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence was common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace was common. According to a U.N. population survey conducted in the fall, 45 percent of Romanian women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. A complicated criminal process discouraged domestic violence victims from pressing charges against perpetrators. Police often were reluctant to intervene in instances of domestic violence. There was no specific legislation dealing with spousal abuse or spousal rape. The prosecution of rape was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment if he married the victim. The successful prosecution of spousal rape was almost impossible. A law passed in January mandated the same penalties for rape and sexual abuse irrespective of the victim's gender.

There were reports of trafficking of women (*see* Section 6.f.).

The Constitution grants women and men equal rights; however, in practice the Government did not enforce these provisions, nor did the authorities focus attention or resources on women's issues. On May 8, the Government passed Law 202, Equality for both Women and Men, prohibiting any act of gender discrimination, including sexual harassment.

Few resources were available for women who experienced economic discrimination. Despite existing laws and educational equality, women had a higher rate of unemployment than men, occupied few influential positions in the private sector, and earned lower wages. A department in the Ministry of Labor and Social Protection advanced women's concerns and family policies. This department organized programs for women, proposed new laws, monitored legislation for sexual bias, targeted resources to train women for skilled professions, and addressed the problems of single mothers, especially in rural areas. There is an Ombudsman within the department for child, woman, and family protection to resolve complaints of discrimination.

Children.—The Government administers health care and public education programs for children, despite scarce domestic resources which limited the availability of these services. International agencies and NGOs supplemented government programs in these areas.

Education was free and compulsory through the eighth grade. After the eighth grade, schools charged fees for schoolbooks, which discouraged attendance for lower income children, particularly Roma children. During the 2001–2002 school year, 3,951,572 children (approximately 96 percent of primary school-age children) attended school, including kindergarten. Boys and girls generally received the same treatment in schools. The Ministry of Education reported that the dropout rate in the 2000–2001 school year, calculated by the National Institute for Statistics, was approximately 0.6 percent. This figure represented a significant decrease in the dropout rate since 1997–98, when 20 percent of children under 15 left school.

Living conditions in all child care institutions seriously deteriorated in 1999 and have not improved substantially since that time. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equal in all institutions, the general situation was unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 children in state institutions.

Repeated treatment interruptions for AIDS patients, mostly children, were reported by the National Union of Organization of the Persons Affected by HIV/AIDS (UNOPA). The unnecessary discontinuity of treatment was more harmful than non-treatment and increased the potential of drug resistance development.

Large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. A 1998–1999 study by UNICEF and Save the Children estimated that there were 2,500 children living on the streets of the capital in the summer when the number generally peaks, but the Government did not have statistics defining the scope of the problem nationwide. A significant percentage had left large institutions with no skills and employment and no ability to earn a living or obtain housing. There was no systematic provision of labor market information, skills training, or job placement services for these young persons, and there was a high probability that they would gravitate to the streets, engaging in prostitution or trafficking. Although the Government took some initiatives, including the creation of emergency receiving facilities to address these problems, there has been no systematic effort to prevent new children from joining the street population or to integrate children living on the streets. In November 2001 the Social Assistance Law took effect; it targets more assistance to children in poverty.

Legal provisions to protect children from abuse and neglect were inadequate. While there are criminal penalties, there was no consistent policy and procedure for reporting child abuse and neglect and no system to provide treatment to families who abuse their children. The National Authority for Child Protection and Adoption monitored abuse cases. As of the end of the year, a task force coordinated by the National Authority for Child Protection and Adoption was developing standards, training, policies, and procedures for child abuse and neglect.

There was no perceptible societal pattern of abuse against children; however, a survey by a local polling firm conducted in 2001 found that 41 percent of women and 59 percent of men reported that they had experienced physical or verbal abuse as children.

NGOs working with children remained particularly concerned about the number of minors detained in jail and prison (*see* Section 1.c.). These NGOs continued to seek alternative solutions to sending juveniles to prison, such as parole. Because time served while awaiting trial counts as part of the prison sentence but does not count towards the time to be served in a juvenile detention center, some minors actually requested prison sentences.

Trafficking in girls for the purpose of prostitution was a problem (*see* Section 6.f.).

Persons with Disabilities.—Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities were almost nonexistent. Many persons with disabilities could not make use of government-provided transportation discounts because public transport did not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. According to official statistics, there were 3,500 children with disabilities living in state institutions; conditions in these institutions ranged from adequate to harsh.

National/Racial/Ethnic Minorities.—After the 2000 election, the Government reorganized the Department for the Protection of Minorities into an Office for Inter-ethnic Relations and a National Office for Roma and placed them under the Ministry of Public Information. These offices are responsible for monitoring the specific problems of persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

The largest and most vocal minority community consisted of ethnic Hungarians, who officially numbered more than 1.4 million according to preliminary results from the 2002 census. Their UDMR party was in de facto political alliance with the ruling minority PSD government during the year after signing a new protocol of cooperation with the PSD in January. Although the local public administration act of 2001 requires bilingual signs in areas where a national minority represents more than 20 percent of the population, such signs have never been installed in Cluj because of the mayor's continual opposition. During the year, he used the preliminary results of the population census as grounds for his refusal to install the signs.

A government decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of the country. In the Moldavia region, some in the Roman Catholic Csango community who speak an archaic form of Hungarian complained that there was no schooling available in their language. The Csango

community, estimated by some to number several tens of thousands, was fractured, with a majority of Csangos considering themselves ethnic Romanian and a minority ethnic Hungarian.

According to the preliminary results of the March census, the Romani population numbered approximately 535,000; however, some observers, including the European Commission, estimated that the Roma population was between 1.1 and 1.5 million. Romani groups complained that police brutality—including beatings, prejudice, and racial harassment at the local level—was routine (*see* Section 1.c.). Under a government program, Roma living illegally in Bucharest on public lands were forced to relocate to their counties of origin (*see* Section 1.f.). According to the Government, only 27 percent of Roma had steady jobs, and only half of those jobs were considered skilled. Illiteracy among Roma older than 45 years of age was approximately 30 percent.

On June 13, a Protocol between the ruling PSD party and the Roma party was signed between Prime Minister Nastase and Roma party leader Nicolae Paun. The Protocol calls for the continued monitoring of the Roma situation, the promotion of higher education among the Roma, and programs aimed at educating the public about racism and discrimination. The National Council on Combating Discrimination was established on July 31. During the year, all necessary structures were established to implement the National Strategy for the Improvement of the Situation of the Roma (adopted in April 2001), except for those at the local level and in the National Council on Combating Discrimination. Under this National Strategy, 399 Roma experts and councilors were appointed in ministries, prefect's offices, and in some mayor's offices. Ministerial committees for Roma, subordinated to a joint committee to monitor the implementation of the strategy, and joint working groups (made up of Roma experts in the prefect's office, NGOs, and elected representatives of the Roma communities) at the local level have been set up. Training programs for Roma councilors, experts, and medical-social mediators have been developed by the Government in cooperation with Roma NGOs. The National Office for Roma established a database to store information regarding the living conditions and needs of the Roma community. Given the large amount of work, the office was understaffed. In addition, funding for the implementation of the strategy continued to be a problem, since the state budget did not include any amounts for this purpose.

The Roma population continued to be subject to societal discrimination. Roma often were denied access to shops, restaurants, and other places. A complaint filed by the NGO, Romani CRISS, in February 2001 against the owner of a bar in Pitesti, where two Roma had been denied access, was rejected on procedural grounds.

A partnership protocol, signed by the Minister of Health and the representative for Roma in the Parliament in April 2001, sets forth cooperative measures between the Health Ministry and the Roma Party in order to ensure that Roma have access to health care. This protocol helped resolve most complaints of discrimination against Roma in the health system and sponsored several vaccination campaigns for Roma children. Romani CRISS started a training program (with private funding) in cooperation with the Ministry of Health for Roma medical-social mediators.

On June 7, the Project on Ethnic Relations (sponsored by several Roma rights NGOs) held a conference on how Roma are portrayed in the media. A report done by Romani CRISS, presented at the conference, stated that the print media usually was most discriminatory and found that 54 percent of articles about Roma were negative. The study was done on 12 national newspapers and found that the several of these articles still referred to Roma as "gypsies," a term Romani CRISS regarded as pejorative.

In May the Bucharest city hall fined the daily Romania Libera and its publishing company for having published a discriminatory job announcement, which said, "no Roma accepted."

Four persons who were arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims appealed to the European Court of Justice, arguing that the sentences of 2 to 6 years were too light. The case was pending before the European Court at year's end. According to Human Rights Watch, the European Roma Rights Center (ERRC) lodged applications against the country with the European Court of Human Rights regarding cases of violence against Roma and destruction of Romani property in Casinul Nou (1990) and Plaiesii de Sus (1991). These cases had been rejected in Romanian courts in part because the statute of limitations had expired before the ERRC could initiate final appeals. Police in both cases failed to conduct onsite investigations. These cases were pending with the European Court of Human Rights at year's end.

Section 6. Worker Rights

a. The Right of Association.—All workers except certain public employees have the legal right to associate freely and to form and join labor unions without previous authorization; however, there were reports that the Government restricted this right. Ministry of Defense, Ministry of Interior, and intelligence personnel are not allowed to unionize. The majority of workers were members of approximately 18 nationwide trade union confederations and smaller independent trade unions. Trade unions may acquire property, support their members' exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching, and research bodies, establish commercial enterprises and banks, and borrow money. Workers may not be forced to join or withdraw from unions, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation.

The right to form trade unions was generally respected in practice. However, some employers created enterprise-friendly "yellow unions" in order to avoid the pressures of independent trade unions. Antiunion employers—usually foreign companies—made employment conditional upon the worker agreeing not to create or join a union. The unions reported that the Government interfered in trade union activities, collective bargaining, and strikes, and alleged that the requirements to register a union were excessive.

Past studies indicated that labor legislation adopted in 1991 fell short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees."

The law stipulates that labor unions should be free from government or political party control, a provision that the Government generally respected in practice. Unions were free to engage in political activity and did so.

Antiunion discrimination is prohibited by law, and the Government generally respected this prohibition in practice.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania and Cartel Alfa are affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visited and advised domestic trade unionists.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to bargain collectively, but collective bargaining efforts were complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Although the law supports collective bargaining as an institution, the contracts that result were not always enforceable in a consistent manner. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which were set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions violated labor agreements.

The collective labor dispute law defines the conciliation, mediation, and arbitration procedures under which strikes can be conducted. The law established tripartite arbitration panels, and the list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership; however, mediation capability has not developed fully. Local panels were poorly trained, and unions continued to take their cases directly to the Government for dispute resolution.

Amendments to the labor law in 1999 broadened the scope of the right to strike, although lengthy and cumbersome procedures continued to make the holding of legal strikes difficult. Strikes may be held only if all means of possible conciliation have failed. The employer must be given 48 hours warning. Strikes can only be held to defend the economic interest of the workers and may not be used for political reasons. The labor code permits companies to claim damages from strike initiators if the strike is deemed illegal by a court. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike and that the courts had a propensity to declare illegal the majority of strikes on which they had been asked to rule. Judges, prosecutors, and related Ministry of Justice staff are forbidden to strike, along with Ministry of Defense, Ministry of Interior, and intelligence service employees. In contrast to the previous year, there were fewer strikes over the privatization of enterprises. As in the past, strikes were

motivated by fear of future job losses. The Government worked with the trade unions, considering their concerns when devising the privatization strategy or contract. Labor unrest continued at the Resita steel plant, with no foreseeable outcome at year's end.

Labor legislation was applied uniformly throughout the country, including in the 6 free trade zones and the 31 disadvantaged zones. There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children. The Ministry of Labor and Social Protection is responsible for enforcing the prohibition against forced labor. The prevalence of child labor, including begging, selling trinkets on the streets, or washing car windshields, remained widespread in the Roma community; these children may be up to 18 years of age.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only “according to their physical development, aptitude, and knowledge.” Minors are prohibited from working in dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years; however, despite the prevalence of child labor, there was no evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There were no reports of anyone being charged or convicted under this law.

A department in the Office of the Prime Minister is responsible for child protection. Local organizations were established in the counties and the city of Bucharest to enforce child welfare legislation. The roles and responsibilities of the several agencies that enforce child labor laws remained ill defined, and these laws often were not enforced.

There were no accurate statistics on illegally employed children; however, there was recognition of the problem.

e. Acceptable Conditions of Work.—Most wage rates were established through collective bargaining at the enterprise level; however, they were based on minimum wages for specific economic sectors and categories of workers that the Government set after negotiations with industry representatives and the labor confederations. Minimum wage rates generally were observed and enforced. During the year, the minimum monthly wage was raised from approximately \$48 (1.4 million lei) to approximately \$53 (1,750,000 lei); the minimum monthly wage did not provide a decent standard of living for a worker and family. Prices for utilities continued to rise; however, basic food and pharmaceutical products still were subject to price ceilings. Housing was no longer subsidized.

The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off per week. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations.

During the year, discussions including unions and employers to revise the Labor Code continued. New legislation was under debate in Parliament at year's end.

Some labor organizations lobbied for healthier, safer, working conditions on behalf of their members. However, neither the Government nor industry, which is still mostly state owned, had the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them; however, it lacked sufficient trained personnel for inspection and enforcement, and employers often ignored its recommendations. In 1999 a department was established with European Union (EU) assistance, within the Ministry to conduct comprehensive safety inspections. Although they have the right to refuse dangerous work assignments, workers seldom invoked it in practice.

After an explosion killed 10 workers in the port of Constanta in June 2001, workers at the shipyard protested against the lack of safety equipment and violations of safety procedures by management. A government delegation led by Privatization Minister Musatescu mediated talks between workers and management. The situation remained unresolved at year's end.

f. Trafficking in Persons.—A law passed in November 2001 prohibits trafficking; however, the Government had not issued regulations for implementation by the end of the year. Trafficking in women and children continued to be an underreported but serious problem.

The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

A law enacted in November 2001 provides for sentences for traffickers of 3 to 12 years' imprisonment, including for trafficking in minors between 15 and 18 years of age. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. There are increased penalties of 3 years if the trafficker is a member of an organized crime group and 2 years in the case of minors if the trafficker uses coercion. Consent of a trafficked person does not exempt the trafficker from liability.

The Government in 2001 assigned two generals as National coordinators of efforts against trafficking through a Human Trafficking Task Force. It assigned a number of personnel to investigate trafficking and began to expand interagency and local resources assigned to human trafficking. During the year, police identified 41 human trafficking networks. A total of 420 individuals were under investigation for suspected human trafficking, and as of December 1, the police had arrested 164 suspects. For example, on July 23, police cracked down on a Chinese-run trafficking ring in Iasi after a female victim filed a claim with police in Bucharest, using the SECI Regional Anti-Crime Center. The authorities also sought to increase regional cooperation against trafficking. In May seven Romanian victims testified in court in Skopje, Macedonia, against Macedonian traffickers who were subsequently convicted. Overall, 625 cases of prostitution and pimping were investigated (an increase of 84.4 percent over 2001) and 100 individuals were arrested. There were also 507 cases of illegal migration (an increase of 106 percent over 2001), and 446 individuals investigated (an increase of 53.7 percent over 2001).

In November 2001, one full-time prosecutor was assigned to assist the task force. A number of prosecutors also began to work trafficking cases at the regional level in 2001. A handful of prosecutions occurred for pimping offenses; prosecutions based on indictments under the new trafficking law began during the year.

In the course of its efforts, the Government recognized that corruption in the police force—particularly in local forces—may have contributed to the problem. As a result of both training and personnel changes within the police, police began to acknowledge that Romania was a country of origin for trafficked victims, and they became more aware of the problem. Police developed a system for investigating suspected trafficking cases that came up during border crossing checks. Victims were first questioned by Border Police in an effort to identify traffickers. Subsequently, they were questioned by officers from the Police's Organized Crime Directorate assigned to investigate human trafficking.

The country was both a country of origin and a transit country for trafficked women and girls. The full extent of the problem remained unclear, since neither the Government nor NGOs maintained statistics on this problem; however, there was evidence that the problem was growing. The International Organization for Migration (IOM) reported that from December 1999 to November 2002, 615 victims had been directly assisted, while fewer than 10 victims were assisted in 1999. The IOM office in the country estimated that as many as 20,000 women are trafficked from the country each year. Women reportedly were trafficked for prostitution to Yugoslavia (including Kosovo), Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan, and Cambodia. Women were trafficked through Macedonia and Bulgaria to reach Greece and other countries. The country also remained a frequently used country of transit for persons, especially women, being trafficked from Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara remained major transit centers. Trafficking patterns within the country generally went from its border with Moldova to the countries bordering Serbia, and there was anecdotal evidence of some internal victims of trafficking as well. There also was anecdotal evidence that the country was a minor destination country. Trafficking victims were primarily women and girls trafficked for prostitution; however, there were also reports that men were trafficked to Greece for agricultural labor.

Often women were recruited to work abroad by friends or relatives, or by newspaper advertisements. Often a friend or relative would make the initial offer, usu-

ally telling the victim that she would obtain a job such as a baby sitter or waitress. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women were sold into prostitution by their parents or husbands or were kidnaped by trafficking rings. Ministry of Interior officials reported that trafficking rings appeared to be operated primarily by Romanians; several domestic prostitution rings were active.

No separate government or IOM statistics were available for children trafficked to other countries. The NGO Sanse Egale Pentru Femei (Equal Opportunities for Women) reported that cases of trafficking in children that it dealt with rose from 8 in 1997 to 43 in 1999. In 1998 the NGO Save the Children dealt with 101 cases of children, mostly Roma, who were taken to Germany and Italy and forced to work as beggars or petty thieves; there were reports in July that trafficking rings gathered 200 Roma and sent them to France to work as beggars. The trafficking of humans to serve as beggars in Western Europe and the United States was a problem. On July 22, the national media reported that 19 Romanians were stopped at the Sinnicolau Mare customs point (on the Serbian-Hungarian border) by Border Police. The group, which included eight children with a variety of physical disabilities, were going to Italy to beg. The ringleader, Radu Samir, was fined approximately \$1,800 (60 million lei). In June a citizen was arrested in Cluj for trafficking elderly residents to the United States to beg. Border Police reported that such instances were becoming more frequent.

The country has an extensive system of orphanages with approximately 60,000 dependents, and many orphanages were complicit in letting girls escape into prostitution. Children and young persons forced out of orphanages between the ages of 16 and 18 often had no identity documents, very little education, and few, if any job skills. NGOs believed that many girls from these orphanages fell victim to trafficking networks. A study by the IOM's office in the country found that in 2000 38 percent of girls between 15 and 18 years of age in orphanages were ready to "emigrate to a foreign job," putting them at risk of being trafficked. The same study found that 38 percent of single women and girls aged 15 to 25 and 20 percent of women and girls who lived with their parents were ready to emigrate to a foreign job.

In the past, victims returned to Romania were prosecuted for the crime of leaving the country illegally, which had reduced their willingness to return to the country or to cooperate with law enforcement authorities. Law 678 requires the Ministry of the Interior to provide protection for victims of trafficking, and undercover operations and electronic surveillance are authorized against traffickers. This law also eliminates criminal penalties for prostitution if the victim turns in traffickers, or cooperates in investigations against traffickers. However, trafficking victims who cooperated with authorities continued to be sentenced for crimes such as illegal emigration.

The Government provided little aid to repatriated victims. In October 2001, IOM opened a short-term shelter for victims in Bucharest in cooperation with the Government and an NGO, the Estuar Foundation. The Ministry of Interior provided law enforcement personnel to investigate trafficking. The Border Police, who report to the Ministry of Interior, processed repatriated victims when they returned from abroad. The Ministry of Foreign Affairs provided documentation for victim repatriation. The Border Police, in order to combat the problem of trafficking, also received training from abroad. In a June training seminar in Madrid, organized by the EU, Border Police officers learned how to coordinate law enforcement work better on the borders and work more efficiently with international law enforcement; they also received sensitivity training in dealing with human trafficking.

A small number of local NGOs dealt with trafficking issues. There were two shelters for victims of sexual abuse, and besides the Bucharest center, there was another shelter for trafficking victims in Pitesti. A small number of other shelters operated in Transylvania. Some NGOs stated that fear of reprisal from organized crime groups deterred them from taking aggressive action against traffickers. NGOs had some success in providing training for and working with local police forces on trafficking. Nevertheless, awareness of human trafficking was low, and while victims were not treated as criminals, they were regarded as social outcasts. During the year awareness was raised by numerous media stories on the problem, and by antitrafficking advertisements on government-sponsored television. The IOM, with some additional support from foreign governments, continued its campaign to increase awareness of the problem with the public, but they had no formal projects and had limited funding.

RUSSIA

The 1993 Constitution established a governmental structure with a strong head of state (President), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The Duma has a strong pro-presidential center that puts majority support within reach for almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of individual candidates, political parties, and movements contesting offices. President Vladimir Putin was elected in March 2000, and Prime Minister Mikhail Kasyanov took office in May 2000. Both the presidential elections and the December 1999 Duma elections were judged by international observers to be generally free and fair, although in both cases pre-election manipulation of the media was a problem. The Constitution provides for an independent judiciary. Although seriously impaired by a shortage of resources and by corruption and still subject to undue influence from other branches of government, the judiciary showed increasing independence and was undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police were responsible for law enforcement at all levels of government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counter-intelligence, and counterterrorism. The FSB operated with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces was national defense, although they have been employed in local internal conflicts, and they were available to control civil disturbances. Internal security threats in parts of the Russian Federation increasingly have been dealt with by militarized elements of the security services. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous and serious human rights abuses.

The country has a total population of approximately 143 million. The economy continued to grow, although at lower rates than in 2001. Annual gross domestic product (GDP) growth was 4.5 percent, compared with 5 percent in 2001. GDP was \$252 billion for the first 9 months of the year. Industrial production grew by 3.7 percent; real income increased by 8.8 percent. Approximately 27 percent of the population, however, continued to live below the official monthly subsistence level of \$60. Official unemployment was 7.1 percent, down from 9 percent at the end of 2001. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, its record was poor in other areas. Significant reforms occurred in law enforcement and judicial procedures; however, a variety of direct and indirect government actions further weakened the autonomy of the electronic media, the primary source of information for most individuals, and the Government's record remained poor in Chechnya, where federal security forces demonstrated little respect for basic human rights. There were credible reports of serious violations, including numerous reports of extrajudicial killings, by both the Government and Chechen separatists in the Chechen conflict. Hazing in the armed forces resulted in a number of deaths. There were reports of government involvement in politically motivated disappearances in Chechnya. There were credible reports that law enforcement personnel continued to torture, beat, and otherwise abuse detainees and suspects. Arbitrary arrest and detention, while significantly reduced by a new Code of Criminal Procedure, remained problems, as did police corruption. The Government prosecuted some perpetrators of abuses, but many officials were not held accountable for their actions.

Lengthy pretrial detention was a serious problem; however, the introduction of the new Code of Criminal Procedure led to significant reductions in time spent in detention for new detainees. Prison conditions continued to be extremely harsh and frequently life threatening. Laws on military courts, military service, and the rights of service members often contradicted the Constitution, federal laws, and presidential decrees, raising arbitrary judgments of unit commanders over the rule of law. The Government made substantial progress during the year with implementation of constitutional provisions for due process and fair and timely trial; however, the judiciary continued to lack resources, suffered from corruption, and remained subject to influence from other branches of the Government, and judges were inadequately protected by the Government from threats by organized criminal defendants. A series of alleged espionage cases continued during the year and raised concerns regarding the lack of due process and the influence of FSB in court cases. Authorities continued to infringe on citizens' privacy rights.

Despite the continued wide diversity of views expressed in the press, government pressure continued to weaken the independence and freedom of some media, particularly major national television networks and regional media outlets. The Government at times restricted freedom of assembly at the local level. The Government did not always respect the constitutional provision for equality of religions, and in some instances the authorities imposed restrictions on some religious groups. Societal discrimination, harassment, and violence against members of some religious minorities remained problems. Despite constitutional protections for citizens' freedom of movement, local governments restricted this right, in particular by denying local residency permits to new settlers from other areas of the country. Government institutions intended to protect human rights were relatively weak, but remained active and public. The Government placed restrictions on the activities of both nongovernmental organizations (NGOs) and international organizations in Chechnya.

Violence against women and children remained problems, as did discrimination against women. Persons with disabilities continued to face problems from both societal attitudes and lack of governmental support. Ethnic minorities, including Roma and persons from the Caucasus and Central Asia, faced widespread governmental and societal discrimination, and at times violence. There were increasing limits on worker rights, and there were reports of instances of forced labor and child labor. Trafficking in persons, particularly women and young girls, was a serious problem. Russia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

A new Criminal Procedures Code that took effect beginning in July for the first time permitted the application of existing Constitutional provisions that individuals could be arrested, taken into custody, or detained, only upon a judicial decision. After the introduction of the new Code the number of criminal cases opened by the Procuracy declined by 25 percent; the number of suspects placed in pretrial detention declined by 30 percent; and the courts rejected 15 percent of requests for arrest warrants. Judges released some suspects held in excess of allotted time when the Government failed properly to justify its request for extension, and the Supreme Court overturned some lower court decisions to grant pretrial detention considered inadequately justified. Early indications were that the changes were having an effect on the behavior of police, prosecutors, and the judicial system. Human rights advocates reported that the strict new limits on time held in police custody without access to family or lawyers, and the stricter standards for opening cases, have discouraged abuse of suspects by police as well.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by the Government or its agents; however, there continued to be credible reports that the federal armed forces engaged in extrajudicial killings in Chechnya. There also were credible reports that the armed forces used indiscriminate force at various times in the Chechen conflict in areas with significant civilian populations, resulting in numerous deaths (*see* Section 1.g.).

Hazing in the armed forces resulted in the deaths of servicemen (*see* Section 1.c.). On June 26, a court acquitted all defendants charged with the 1994 murder of journalist Dimitriy Kholodov (*see* Section 2.a.).

Government "mopping-up" operations in the Chechen town of Tsotsin-Yurt in January, March, and July allegedly resulted in the deaths of many civilians (*see* Section 1.g.). No one had been charged with these killings by year's end. According to Human Rights Watch, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkhan-Yurt, Staropromyslovskiy, and Novyye Aldi in similar operations in 1999 and 2000.

The press and media NGOs reported that a number of journalists were killed by unknown parties, presumably because of the journalists' work (*see* Section 2.a.).

Attacks on ethnic and racial minorities and asylum seekers resulted in some deaths (*see* Section 5).

There were a number of killings of government officials throughout the country, some of which may have been politically motivated, either in connection with the ongoing strife in Chechnya, or with local politics. Among the political figures killed were: Duma Deputy Vladimir Golovlev in August; Smolensk Oblast First Deputy Governor Vladimir Prokhorov in August; Akhmen Zavgayev, Head of Nadterechnyy District Administration (and brother of Doku Zavgayev, former Head of the Chechen Administration) in Chechnya in September; Leonid Volkov, Head of the

Loknyanskiy District of Pskov Oblast in August; and Magadan Governor Valentin Tsvetkov in October.

On September 19, Mikhail Nikiforov, First Deputy Chief of the MVD's Criminal Militia, said that law enforcement officers had identified suspects in the 1997 killing of St. Petersburg Vice Governor Mikhail Manevich. Nikiforov stated that the two suspects in the Manevich case were no longer alive but provided no further details. There were no reports that the case was being investigated further.

On November 21, the FSB announced that six unidentified suspects had been arrested and charged with the 1998 killing of Galina Starovoytova, a prominent Duma deputy.

There have been no developments in the December 5, 2000 killing of the Mayor of Murom, Petr Kaurov. There also were no developments in the 2000 killing of Svetlana Semenova, a political party activist in the Union of Right Forces. It was not clear whether these killings were politically motivated. In 2001 police released Semenova's husband, who had been the main suspect in the case.

In early November, police arrested four persons in connection with the 1999 killing of St. Petersburg legislative assembly Deputy Viktor Novoselov but failed to capture the alleged criminal group leader. St. Petersburg city court hearings continued in this case.

Chechen rebels killed numerous civilians and increased their killings of officials and militia associated with the Russian-appointed Chechen administration, including many civilians (*see* Section 1.g.). Chechen terrorists killed two of the hostages they took in a Moscow theater in October (*see* Section 1.g.). Chechen fighters killed a number of federal soldiers whom they took prisoner (*see* Section 1.g.). Religious and secular figures also were kidnaped and killed in Chechnya during the year (*see* Sections 1.b., 1.c., and 5).

Authorities attributed bombing incidents in Dagestan and several cities in southern areas of the country to Chechen rebels.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since August 1999 (*see* Section 1.g.); there were many civilian landmine casualties in Chechnya during the year.

b. Disappearance.—There were reports of government involvement in politically motivated disappearances in Chechnya; however, there were fewer reports of kidnappings than in previous years. The NGO Memorial claimed that federal military forces detained thousands of persons from Chechnya. Some of these persons disappeared, but most were released, often after their relatives paid a bribe. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred and a thousand. Former Presidential Representative for Human Rights in Chechnya Vladimir Kalamanov acknowledged that at least several hundred persons were missing in Chechnya.

The August kidnaping by unknown persons of the head of the Doctors without Borders Mission in the neighboring province of Dagestan remained unsolved at year's end. This event and overall security problems led the U.N. and many NGOs to suspend their activities in Chechnya temporarily.

A September report from the office of Abdul-Khakim Sultygov, the President's Special Representative for Human Rights in Chechnya, stated that since it began operations in February 2000 the office had received complaints of 959 disappearances. According to the office, 401 persons were located, 18 of whom were dead. Authorities were carrying out criminal investigations in 234 of the cases and searches for missing persons in 324 cases. Attacks on ethnic and racial minorities and asylum seekers resulted in some deaths (*see* Section 5).

There were no developments in the ongoing criminal investigation into the 2000 disappearance of former speaker of the Chechen Parliament and former field commander, Ruslan Alikhadzhiyev, who allegedly was detained in Shali by federal forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that law enforcement personnel frequently used torture to coerce confessions from suspects and that the Government often did not hold officials accountable for such actions.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups described the practice of torture as widespread. In 2000 Human Rights Ombudsman Oleg Mironov estimated that 50 percent of the prisoners with whom he spoke claimed to have been tortured. Numerous press reports indicated that the police frequently beat persons with little or no provocation or used excessive force to subdue detainees. Reports by refugees, NGOs,

and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa (*see* Section 5). Press reports and human rights groups indicated that police in some parts of the country also used beatings and torture as part of investigative procedures as well. Police continued to harass defense lawyers, including through beatings and arrests, and continued to intimidate witnesses (*see* Section 1.e.). Some human rights observers and members of the legal profession suggested that the introduction on July 1 of a new Code of Criminal Procedures that limits the duration of detention without access to counsel or family members and contains provisions that render statements given in the absence of a defense attorney unusable in court, would reduce the incentive for the authorities to abuse prisoners. However, authoritative reports concerning changes in actual practice were not available by year's end. Abuse of prisoners by other prisoners continued to be a problem.

Torture by police officers usually occurred within the first few hours or days of arrest and usually took one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g., suspending a victim from the wrists, which are tied together behind the back). Allegations of torture were difficult to substantiate because of lack of access by medical professionals and because the techniques used often left few or no permanent physical traces. There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (*see* Section 1.g.).

There were reports that police beat Roma during the year (*see* section 5).

Government agencies such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments; however, security forces remained largely unreformed. Torture is not defined in the law or the Criminal Code; it is mentioned only in the Constitution. As a result, it was difficult to charge perpetrators. The only accusation that could be brought against the police is that they exceeded their authority or committed a simple assault.

Various abuses against military servicemen, including, but not limited to, the practice of "dedovshchina" (the violent, sometimes fatal hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports cited serving and former armed forces personnel, the Military Procurator's Office, and NGOs monitoring conditions in the armed forces, who indicated that this mistreatment often included the use of beatings or threats of increased hazing to extort money or material goods. Press reports also indicated that this type of mistreatment resulted in permanent injuries and deaths among servicemen. Soldiers often did not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerated or even encouraged such hazing as a means of controlling their units. There also were reports that officers used beatings to discipline soldiers whom they found to be "inattentive to their duties." The practice of hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the Union of Soldiers' Mothers Committee (USMC) and the Main Military Procurator's Office (MPPO) received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates. This tendency commonly has been attributed to stressful conditions—for example, degrading and substandard living conditions—that persisted throughout the armed forces—and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, as leaders of primary troop units. The USMC estimated that approximately 3,000 noncombat deaths occurred annually; these included: Shootouts, suicides, and training and traffic accidents.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. The limited scale of their efforts was due at least in part to lack of funding and to the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya. The MMPO continued to cooperate with the USMC to investigate allegations of abuse. Nonetheless, the USMC believed that most hazing incidents and assaults were not reported due to a fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity.

There were reports that the corruption of government officials facilitated trafficking in persons (*see* Section 6.f.).

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnaping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. Many of the hostages were being held in Chechnya or Dagestan.

During the year, members of ethnic or racial minorities were victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice administered the penitentiary system centrally from Moscow. The Ministries of Justice, Health, Defense, and Education all maintained penal facilities. There were five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention facilities known as Special Isolation Facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles. Responsibility for operating the country's penal facilities fell under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN).

The Government did not release statistics on the number of detainees and prisoners who were killed or died or on the number of law enforcement and prison personnel disciplined. The Moscow Center for Prison Reform (PCPR) estimated that in earlier years, 10,000 to 11,000 prisoners died annually in penitentiary facilities, 2,500 of them in SIZOs. During the year, these numbers were estimated to be somewhat lower. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press often reported on individuals mistreated, injured, or killed in various SIZOs; some of the reported cases indicated habitual abuse by the same officers.

Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded; however, mass amnesties offered immediate relief. Longer-term and more systemic measures to reduce the size of the prison population were also taken. These included the use of alternative sentencing in some regions and revisions of both the Criminal Code and the Code of Criminal Procedure which eliminate incarceration as a penalty for a large number of less serious offenses. Many penal facilities remained in urgent need of renovation and upgrading. By law authorities must provide inmates with adequate space, food, and medical attention; with the dramatic decrease in prison populations these standards increasingly were being met.

The implementation of the new Code of Criminal Procedure reduced both the numbers of persons being held and the length of time they may be held in detention, reducing the size of the SIZO population by 30 percent by year's end, and virtually eliminating the problem of overcrowding in those institutions. As of September 25, prisoners in SIZOs had an average of 38 square feet per person, up from 16 square feet the previous year, representing a significant advance toward the norm of 44 square feet specified by law.

Inmates in the prison system often suffered from inadequate medical care. According to the GUIN, as of September 1, there were approximately 86,000 tuberculosis-infected persons and 21,576 HIV-infected persons in SIZOs and correction colonies combined. Public health measures, funded by international aid and by the doubling of government resources for the prison system's medical budget, have effected a limited reversal of the spread of tuberculosis but have not contained the spread of HIV. Detention facilities had tuberculosis infection rates far higher than in the population at large. The Saratov Oblast administration, concerned with the tuberculosis crisis in its facilities, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. The PCPR also reported that conditions in penal facilities varied among the regions. Some regions offered assistance in the form of food, clothing, and medicine. NGOs and religious groups offered other support.

Conditions in police station detention centers varied considerably but generally were harsh, although average periods of stay in such facilities decreased. In most cases, detainees lacked bedding, places to sleep, running water, toilets, showers, and adequate nutrition. Suspects awaiting the completion of a criminal investigation, trial, sentencing, or appeal, were confined in SIZOs, as occasionally were convicts when the State lacked transportation to take them elsewhere. Conditions in SIZOs remained extremely harsh and posed a serious threat to life and health. Health, nutrition, and sanitation standards in SIZOs remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on families to provide them with extra food. Under such conditions, prisoners slept in shifts. In most pretrial detention centers and prisons, there was no ventilation system. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease. Because of substandard pretrial detention conditions, defendants sometimes claimed that they had confessed simply to be

moved to comparatively less harsh prison conditions. Defendants' retractions of confessions made under these conditions generally were ignored, as were those who attempted to retract confessions they claimed they were coerced to make (*see* Section 1.e.), although the NGO Human Rights Institute asserts that the problem of coerced confessions became less serious after mid-year as a result of the inadmissibility of confessions not made in the presence of counsel.

An individual detained before January 1 could spend up to 3 years awaiting trial in a SIZO; however, the new Criminal Procedure Code gives the courts, rather than the Procuracy, the authority to review detention, and the Supreme Court instructed all judges to enforce statutory limits on pretrial detention strictly (*see* Section 1.d.). The new Code limits detention in police stations to 24 hours before the case is referred to the procurator and to 24 hours for the procurator to open or reject the criminal case. At that point, the procurator must decide whether to seek pretrial detention from the court. Pretrial detention is limited in most cases to 6 months. The investigators have 2 months to refer the case file to the court and request more time for detention. Only in a small number of serious crimes and complex investigations can the Procuracy request an extension of detention for 6 more months, and only with the personal approval of the Procurator General himself can they apply to the court for an extension to a maximum of 18 months. During the first 6 months in which the new procedures were in place, no such extensions were requested, and most cases went to trial in the allotted 6 months. By year's end, it was possible to evaluate only the enforcement of some of these limitations. These have generally been respected; however there were still some judges and regions which did not appear to fully enforce this provision.

ITKs held the bulk of the nation's convicts. There were 749 ITKs. Guards reportedly disciplined prisoners severely in order to break down resistance. At times guards humiliated, beat, and starved prisoners. According to the PCPR, conditions in the ITKs were better than those in the SIZOs, because the ITKs had fresh air. In the timber correctional colonies, where hardened criminals served their time, beatings, torture, and rape by guards reportedly were common. In September 2001, procurators in Perm announced that they had brought charges of mistreating inmates against Special Forces Commander Sergey Bromberg, head of the strict regime prison colony at Chepets. Along with seven masked members of his unit, Bromberg was suspected of beating inmates at the prison colony. The Procurator subsequently announced that he had completed his investigation; however, there were no reports by year's end that a prosecution was being pursued. The country's "prisons"—distinct from the ITKs—were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

VTKs were facilities for prisoners from 14 to 20 years of age. Male and female prisoners were held separately. In September 2001, GUIN reported that there were 64 educational colonies, 3 of which were for girls. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered from beatings, torture, and rape. The PCPR reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. There also were two prisons for children in Moscow. Boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best, with students of different ages studying together when a teacher could be found.

In April 2001, President Putin described the problem of disease in the prison system as a potential "Chernobyl." He stated that the Government was not in a position to ensure standard conditions of detention in penitentiary institutions and that the system's problems had become a national concern. According to the PCPR, in order to forestall a crisis the system was obliged either to fund massive new construction and reconstruction of facilities—which was unrealistic under the country's economic conditions—or to reduce the prison population. Subsequently the Government launched a coordinated effort to reform criminal procedure, resulting in a reduction of the prison population. More offenses were moved from the Criminal Code to the Administrative Code, eliminating incarceration as an option in most cases. More crimes were shifted to Justices of the Peace, which had more flexible sentencing structures and could take advantage of a variety of alternative punishments. In some regions, alternative penalties such as house arrest and community service joined incarceration as acceptable penalties. For example, in Murmansk the local office of the Ministry of Justice actively pursued alternative punishments, and many convicted offenders were given sentences not involving incarceration. A similar program was under way in Nizhniy Novgorod, where it resulted in reductions in the number of persons in SIZO detention and the time they spent there. The standards of proof for convictions rose, and the shifting of more responsibilities to independent

arbiters such as the courts decreased the number of cases opened. These factors combined have begun to reduce the prison population.

The Government permitted the International Committee of the Red Cross (ICRC) to work throughout the country, and the ICRC was active especially in the northern Caucasus. The ICRC carried out regular prison visits and provided advice to authorities on how to improve prison conditions. The Government allowed the ICRC access to some facilities in the northern Caucasus where Chechen detainees were held; however, the pretrial detention centers and filtration camps for suspected Chechen fighters were not always accessible to human rights monitors (*see* Section 1.g.).

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remained problems; however, there was progress toward effective judicial oversight over arrests and detentions. The new Code of Criminal Procedure gave authorities the means to implement the constitutional requirement that individuals could be arrested, taken into custody, or detained beyond 48 hours only upon a judicial decision. In many cases courts aggressively asserted their new rights, freeing prisoners in Chechnya, rejecting 15 percent of the requests for arrest warrants, and rejecting 30 percent of the requests for detention in some areas. Judges freed suspects whose confessions were taken without lawyers present or who were held in excess of detention limits. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court considered to be inadequate grounds. The Courts issued strict instructions to judges to enforce the time limits set on various stages of detention; however, insufficient time had elapsed by year's end to permit evaluation of compliance with these instructions.

A new Criminal Procedure Code, passed by the Duma in December 2001, became effective on July 1, with some provisions to be implemented in 2003. The new Code stipulates that if the police have probable cause to believe that a suspect has committed a crime, or that the suspect is an imminent threat to others, they may detain him for not more than 24 hours. During that time, they must notify the procurator, who then has 24 hours to confirm the charge or release the suspect. The Code also requires that the Procuracy obtain a judicial order for arrest, search, or seizure. It provides that relatives are to be notified of a suspect's arrest within 12 hours and that suspects have access to prompt counsel prior to the first questioning. Pretrial detention for crimes carrying a sentence of less than 3 years is prohibited unless the defendant poses a demonstrable flight risk; detention during trial is limited to 6 months, except where particularly grave crimes are involved. The new Criminal Procedure Code specifies that within 2 months of a suspect's arrest police should complete their investigation and transfer the file to the procurator for arraignment. A procurator may request the court to extend the period of criminal investigation to 6 months in "complex" cases with the authorization of a judge. With the personal approval of the Procurator General, that period may be extended up to 18 months. Juveniles may be detained only in cases of grave crimes. The new Criminal Procedure Code includes a formal procedure for pleading guilty and includes incentives such as shorter sentences as well as shorter trials. The new Criminal Procedure Code became effective on July 1, but the Duma had specified that these provisions regarding detention were to be delayed until January 1, 2004. The Constitutional Court ruled in May that it was unconstitutional to delay the implementation of judicial oversight after the new Code was slated to become effective. In response the Duma amended the new Code in June so that these provisions took effect on July 1.

However, before July 1, the court system continued to be governed by the amended Soviet Criminal Procedure Code, under which suspects often were subjected to uneven and arbitrary treatment. Procurators were able to issue orders of detention without judicial approval and police detained suspects for up to 48 hours without a warrant. The PCPR reported terms of pretrial detention under the previous Code extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases, the PCPR reported total pretrial and during trial detention periods of up to 5 years due to financial constraints and poor investigative and court work. Some suspects spent 18 months in detention under harsh conditions in a SIZO while the criminal investigation was conducted (*see* Section 1.c.). Indefinite extensions of the investigation period without explanation to the detainee were common, and many suspects did not exercise their rights to request judicial review of their detention due to fear of angering the investigating officer. There was no formal procedure for a suspect to plead guilty during the investigative period, although if a suspect informed the investigator that he was guilty, the period of the investigation usually was shorter than if he maintained his innocence. There also were many credible reports that persons were detained far in excess of the period permitted for

administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The practice of detaining individuals arbitrarily for varying periods of time, both within and in excess of permissible periods, was common, and often resolved only with bribes. After July 1, many of the motivations for these acts were reduced, but abuses still remained.

Families often were denied access to suspects in police detention; however, stricter oversight generally produced better compliance with the law. A March 2001 amendment to the Criminal Procedure Code allowed defendants immediate access to counsel when they have been arrested and referred for a psychiatric examination; this amendment took effect in January. Citizens' ignorance of their new rights was a problem. The Government embarked on a public education program to inform citizens of their rights and responsibilities under the system introduced by the new Code of Criminal Procedures, such as the right to a lawyer and the obligation to serve on juries when called.

Even after July 1, there were credible reports that police continued abuses. There were credible reports from throughout the country that police detained persons without observing mandated procedures and failed to issue receipts for confiscated property. There were credible reports that security forces regularly continued to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. According to NGOs, federal forces commonly detained groups of Chechen men at checkpoints along the borders and during "mopping-up" operations following military hostilities and severely beat and tortured them.

Some regional and local authorities took advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in some regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (*see* Sections 2.a. and 4).

Authorities abrogated due process in several "espionage" cases involving Russians who worked with foreigners who allegedly had obtained information that the security services considered sensitive (*see* Section 1.e.). Although investigations in many of these cases had continued for a number of years, charges were filed in nearly all of them in the last days before the new code took effect, in order that prosecutors could avoid certain procedural protections accorded defendants.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and there were increasing signs of judicial independence; however, the judiciary did not act as an effective counterweight to other branches of the Government. Judges remained subject to some influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. The Constitutional Court (as well as constitutional courts in a number of administrative entities of the Russian Federation) constitute the third branch.

Judges were approved by the President after being nominated by the qualifying collegia, which were assemblies of judges. These collegia also had the authority to remove judges for misbehavior and to approve procurators' requests to prosecute judges.

Justices of the Peace, introduced beginning in 1998, dealt with criminal cases involving maximum sentences of less than 2 years and some civil cases. There were more than 4,500 Justices of the Peace throughout the country by year's end. These judges handled a variety of civil cases as well as criminal cases. In those areas where the system of Justices of the Peace had been implemented completely, there was a significant decrease in backlogs and delays in trial proceedings, both among those cases referred to the Justices of the Peace and in the courts of general jurisdiction, because dockets were freed to accept more serious cases more rapidly. Justices of the Peace were in various stages of development according to region, but were functioning nationwide, producing significant reductions in case backlogs and freeing the courts of general jurisdiction for more serious cases. In some regions,

Justices of the Peace assumed approximately one-half of federal judges' civil cases and up to 15 percent of their criminal matters, which eased overcrowding in pretrial detention facilities (*see* Sections 1.c. and 1.d.).

Low salaries and a lack of prestige continued to make it difficult to attract talented new judges and contributed to the vulnerability of existing judges to bribery and corruption; however, judicial salaries were increased by 60 percent during the year. Working conditions for judges remained poor and lacking in physical security, and support personnel continued to be underpaid. Judges remained subject to intimidation and bribery from officials and others and were inadequately protected from intimidation or threats from powerful criminal defendants.

The new Criminal Procedure Code provides for the strengthening of the role of the judiciary in relation to the Procuracy by requiring judicial approval of arrest warrants, searches, seizures, and detention. Moreover, the new Law on the Status of Judges, approved in December 2001, was intended to eliminate subjectivity in the selection of judges; to facilitate access to the judicial profession by minimizing corruption in the appointment process; and to improve the accountability of judges by subjecting them to disciplinary and administrative liability and by introducing age limits. In addition, judicial training was mandated and strengthened during the year. The new Criminal Procedure Code also broadened the jurisdiction of Justices of the Peace to include all crimes with maximum sentences of less than 3 years.

The Constitution provides for the right to a fair trial; however, this right was restricted in practice. With the introduction of new criminal procedures, abuses of this right declined; however, it was too early at year's end to provide an authoritative reassessment of the situation. Many defendants did not attempt to exercise their right to counsel, believing that such efforts would be pointless. NGOs reported that investigators found ways to deny suspects access to counsel, such as by restricting visiting hours. Suspects often were unable or unwilling to exercise their right to counsel during pretrial questioning (*see* Section 1.d.). Many defendants recanted testimony given during pretrial questioning, stating that they were denied access to a lawyer, that they were coerced into making false confessions or statements, or that they had confessed in order to escape poor conditions in pretrial detention facilities (*see* Section 1.c.). In the past, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt; however, the new Criminal Procedure Code specifically excluded such confessions from evidence.

The Criminal Code provides for the court to appoint a lawyer free of charge if a suspect cannot afford one. It specifies that an advocates' collegium president must appoint a lawyer within 24 hours after receiving such a request; however, this did not always happen in practice. Lawyers tried to avoid accepting these cases since the Government did not always pay them. Judges often called upon the Society for the Guardianship of Penitentiary Institutions to provide legal assistance for suspects facing charges and trial without representation. This society operated primarily in Moscow, although it used its connections throughout the country to appeal to legal professionals to represent the indigent. However, the high cost of competent legal representation meant that lower-income defendants often lacked legal representation.

The new Criminal Procedures Code mandates that all regions have adversarial jury trials for the most serious offenses in place by January 1, 2003; since 1994 9 of the country's 89 regions have made use of adversarial jury trials. In December, citing administrative and logistical considerations, the Duma passed a law that required 69 regions to adopt the new system by the January 2003 deadline but left 11 to adopt the system at a later time. According to observers, a majority of defense attorneys, defendants, and the public favored jury trials and an adversarial approach to criminal justice.

The Independent Council of Legal Expertise has reported that defense lawyers increasingly were the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country, charging that police tried to intimidate defense attorneys and cover up their own criminal activities.

Authorities abrogated due process in several "espionage" cases involving foreigners who worked with Russians and allegedly obtained information that the security services considered sensitive. The proceedings in these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage Russians and foreigners from investigating problems that the security services considered sensitive, and were concerned by the apparently undue influence of the security services.

In September the Krasnoyarsk Kray court ruled that the prosecutor's office had committed "violations of law" in the case of Valentin Danilov, a Krasnoyarsk physicist, charged with espionage and fraud for allegedly selling sensitive information to China. The court returned the case to the prosecutor's office and released Danilov from prison.

At year's end, the Supreme Court had not completed its review of the criminal case against Vladimir Shchurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute, who was the subject of a criminal case brought by regional FSB authorities in 2000. NGOs familiar with the case reported that Shchurov's lawyer was denied access to many of the details of the charge and that the judge presiding over the case had unlawfully refused to enter into evidence documents that the defense attorney believed demonstrated Shchurov's innocence.

At year's end, Grigoriy Pasko, a military journalist and active-duty officer in the Pacific Fleet, was being held in a prison near Vladivostok after having been sentenced in December 2001 to 4 years' imprisonment for espionage. Both prosecution and defense appealed the verdict to the military collegium of the Supreme Court in Moscow. At year's end, Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute who had been detained in 1999 on suspicion of espionage, remained in detention. Sutyagin was accused of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in December 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

Platon Obukhov, a diplomat charged with espionage, was determined to be mentally ill and at year's end was undergoing treatment in a psychiatric hospital near Moscow. Yuriy Savenko, head of the Independent Psychiatric Association of Russia, and other human rights activists criticized the Obukhov's 2001 trial, charging that the psychiatric evaluation supervised by the Ministry of Health was influenced by political considerations and by pressure from the FSB.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, or Correspondence.—The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. The Constitution prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent; the 1999 Law on Operational Search Activity partially implemented these provisions, and the new Criminal Procedure Code implemented others; however, problems remained. Authorities continued to infringe citizens' privacy rights. There were reports of electronic surveillance by government officials and others. Law enforcement officials in Moscow reportedly entered residences and other premises without warrants. There were no reports of government action against authorities who violated these safeguards.

Internet service providers were required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that did not comply with the requirements faced either loss of their licenses or denial of their license renewal. While the framers of the System for Operational Investigative Measures (SORM-2) claimed that the regulation did not violate the Constitution or the Civil Code because it required a court order, there appeared to be no mechanism to prevent unauthorized FSB access to Internet traffic or private information without a warrant. In 2000 Communications Minister Leonid Reyman issued an order stating that the FSB was no longer required to provide telecommunications and Internet companies documentation on targets of interest prior to accessing information. Human rights activists suggested that this order only formalized existing practices, established since SORM was introduced, of monitoring communications without providing any information or legal justification to those being monitored. Despite the 2000 Supreme Court ruling upholding the requirements that the FSB conduct monitoring only by court order, the oversight and enforcement of these provisions were inadequate in practice.

In 2000 President Putin signed the "Doctrine of Information Security of the Russian Federation." This Doctrine is not, operational document, and there was no legal basis to "implement" it. While the Doctrine offers general language on protecting citizens' constitutional rights and civil liberties, it also includes specific provisions that justify greater state intervention. For example, according to the Doctrine, law enforcement authorities should have wide discretion in carrying out SORM surveillance of telephone, cellular, and wireless communications.

There continued to be allegations that officers in the special services, including authorities at the highest levels of the MVD and the FSB, used their services' power

to gather compromising materials on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, were accused of working with commercial or criminal organizations for the same purpose. There were credible reports that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (*see* Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—In August 1999, the Government began a second war against Chechen rebels. The indiscriminate use of force by government troops in the Chechen conflict has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. Attempts by government forces to regain control over Chechnya were accompanied by the indiscriminate use of air power and artillery. There were numerous reports of attacks by government forces on civilian targets, including the bombing of schools and residential areas. In 2000 Russian forces began a large-scale offensive military campaign in Chechnya; that offensive campaign largely ended following federal occupation of most of Chechnya by the late spring of 2000, although federal forces continued to engage in an intensive anti-insurgency campaign against Chechen guerillas. In January 2001, President Putin announced that the active military phase of the struggle against separatism in Chechnya had been completed successfully and that an antiterrorist operation under the direction of the FSB would begin immediately. The antiterrorist operation was marked by several large-scale clashes and several rebel attacks on population centers during the summer of 2001. During the year, government forces carried out a number of “cleansing” operations that involved extensive abuses of civilians.

The security situation prevented most foreign observers from travelling to the region, and the Government enforced strict controls on both foreign and domestic media access (*see* Section 2.a.). Federal authorities—both military and civilian—have limited journalists’ access to war zones since the beginning of the war in October 1999. Most domestic journalists and editors appeared to exercise self-censorship and avoid subjects embarrassing to the Government in regard to the conflict (*see* Section 2.a.). These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless there were numerous credible reports of human rights abuses and atrocities committed by federal forces during the year. A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilized precision targeting when combating rebels. The number of civilians killed as a result of federal military operations could not be established; estimates of the totals since 1999 vary from hundreds to thousands. The number of civilians injured by federal forces also could not be verified.

Since August 1999, government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan. Reports from hospitals operating in the region indicated that many patients were landmine or ordnance victims and that such weaponry was the primary cause of death. Government officials reported that in Chechnya there were 5,695 landmine casualties during the year, including 125 deaths. The casualties included 938 children. By comparison there were 2,140 landmine casualties in 2001.

Government operations to “cleanse” an area following a rebel attack on a military block post or a military personnel vehicle continued periodically throughout the year. On January 3, during a mopping-up operation in Tsotsin-Yurt, 80 people were severely beaten, and 3 dead bodies were found after federal troops left the village. On March 24–25, another “cleansing operation” took place in Tsotsin-Yurt; according to Memorial, all males (300 people) were brought to a “filtration camp”; 14 were detained without charges, others were later released or ransomed by their relatives. On March 27, the Commander-in-Chief of the United Military Forces in Chechnya issued an order (Order #80) which established rules on how to carry out passport checks and mopping-up operations. For example, license plates on military vehicles entering a village should be visible; military personnel should be accompanied by a representative of the Procuracy and local officials; when entering a house, military officers should identify themselves; and all people arrested during a mopping-up operation should be included in lists which are shared with local authorities. However, human rights activists reported that this order frequently was ignored by federal forces. For example, in mid-April federal forces entered the village of Alkhan-Kala and blocked it; Memorial reports that there were gross violations of the requirements established in Order #80.

Tsotsin-Yurt was subject to a mopping-up operation on July 25–29. After a clash between local militia and rebels, federal forces entered the village and arrested about 60 people; some males were then transferred to a building where they were reportedly tortured with electricity. Memorial reported serious beatings and acts of vandalism by the federal forces as well as ordinary robberies during this operation. At year's end, no one had been officially charged or prosecuted in connection with this operation.

From May 21 to June 11, the Mesker-Yurt village was blocked and cleared. For 20 days, no one could enter or leave the village. There were reportedly severe beatings, violence, and harassment by government troops. Sources from Mesker-Yurt reported that 20 corpses were returned to the relatives, many of them in fragments, because of a new practice of blowing up the bodies of those who were tortured. In addition, 20 more persons were missing, and no fragments of their bodies were found.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units committed many abuses. According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and non-combatants alike. Such reports, not independently verified, included the killing of two men chosen at random after a mine incident between the villages of Chiri-Yurt and Novyye Atagi in January. A similar report described the shelling by government forces of the village of Tsotsin-Yurt following a mining incident. A man and a woman were killed as a result of the shelling.

Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished. For example, government troops executed at least 60 civilians in Aldi and Chernorechiye in 1999 and 38 civilians in Staropromyslovskiy in the period December 1999 to January 2000. According to human rights NGOs, government troops raped women in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages. There were no reports of accountability for any these actions by year's end.

During the year, there were no confirmed reports of additional discoveries of mass graves and "dumping grounds" for victims allegedly executed by government forces in Chechnya; however, there were no reports by year's end that the Government intended to investigate earlier cases. In February 2001, relatives of three Chechen men who had disappeared in December 2000 while in the custody of Russian soldiers discovered a large number of bodies, belonging to their relatives and others, near the federal military base at Khankala. Federal law enforcement officials stated that they had found another 48 bodies from the village. Federal officials denied responsibility.

According to Memorial, government sources varied in their estimates of the number of missing persons. Memorial noted that in 2000 the office of Special Presidential Representative for Human Rights in Chechnya, Kalamanov, recorded an increase in the number of reported cases of missing persons from approximately 900 in early 2000 to approximately 3,000 at the end of that year. At the end of 2001, the local department of the Ministry of the Interior in Chechnya had recorded approximately 700 missing persons (i.e., persons for whom the Ministry was searching). Also at the end of 2001, the Chechen administration's missing persons commission had recorded approximately 1,400 reports of missing persons. On the basis of these sources, Memorial concluded that between 1,000 and 2,000 persons were missing in Chechnya at the end of 2001. Memorial also compiled its own list of missing persons on the basis of verified reports, but it is not comprehensive; that list contained approximately 300 records at the end of 2001. Memorial reports that 654 people were reported missing in the first 9 months of the year.

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians. Federal forces reportedly ransomed Chechen detainees (and at times, their corpses) to their families. Prices were said to range from several hundred to thousands of dollars. According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDPs) reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints. There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The indiscriminate use of force by federal troops resulted in a massive destruction of housing, as well as commercial and administrative structures. Gas and water supply facilities and other types of infrastructure also were damaged severely. Representatives of international organizations and NGOs who visited Chechnya also reported little evi-

dence of federal assistance for rebuilding war-torn areas. There also were widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the Chechen fighters, and a policy of “no surrender” appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

The Government investigated, tried, and convicted some members of the military for crimes against civilians in Chechnya; however, there were few such convictions. It was reported that of the 1,700 cases filed against servicemen by military procurators, 345 had been stopped for various reasons, including amnesties, and 360 had been handed over to the courts. Human rights observers alleged that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya.

On December 31, after a trial widely regarded as a test case, a court acquitted Colonel Yuriy Budanov, charged with abducting and murdering an 18-year-old ethnic Chechen girl in 2000, on grounds of temporary insanity. The acquittal came after a lengthy judicial process in the course of which Budanov had undergone three psychological examinations by government-appointed experts. The Government’s Commissioner for human rights, Oleg Mironov, called the verdict “alarming.”

Individuals seeking accountability for abuses in Chechnya became the targets of government forces. According to Human Rights Watch (HRW), government troops in June detained Chechen Said-Magomed Imakayev, who had filed a case with the European Court for Human Rights (ECHR) regarding the disappearance during detention by Russian forces of his son in 2000. HRW and Memorial reported that Malika Umazheva—a Chechen who until September served as the head of administration for Alkhan-Kala—was killed in November by government forces, in retribution for her outspokenness about abuses by Russian forces in her village. HRW also reported attacks by soldiers and Ingush policemen on activists of the Russia-Chechnya Friendship Society (a human rights monitoring and advocacy group), and that an activist with the same group, Luiza Betergeryeva, had been killed by Russian forces at a checkpoint in December 2001.

On July 18, during a planned city-center “clean-up” in Grozny, federal forces broke down the door of the Grozny Human Rights “Memorial” reception room and entered the offices. Nobody was there at the time, although an employee arrived a short time later. The intruders then left without identifying themselves.

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya. The most recent estimates put the number of IDPs in Chechnya at 140,000 with an additional 110,000 in Ingushetiya. During the year, the authorities closed three refugee camps, and IDPs returned involuntarily to Grozny. International organizations and IDPs suggested that the authorities applied severe pressure on IDPs to return to Chechnya, an objective denied by President Putin.

In response to international criticism of the human rights situation in Chechnya, several federal government bodies were established to examine alleged domestic human rights violations. In July President Putin appointed Abdul-Khakim Sultygov as Special Presidential Representative for Human Rights in Chechnya (replacing Vladimir Kalamonov). Sultygov’s office had branches in Moscow and in a number of locations in the northern Caucasus to take complaints about alleged human rights violations. In April 2000, Pavel Krasheninnikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the northern Caucasus. In September 2000, the Commission opened nine offices in Chechnya and three in Ingushetiya. Sultygov’s office and Krasheninnikov’s commission heard several thousand complaints from citizens, ranging from destruction or theft of property to rape and murder; however, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil procurators. Almost all complainants alleged violations of military discipline and other common crimes. In December the Government appointed a commission to review complaints about treatment of Chechen IDPs in Ingushetiya, but its findings were not released by year’s end. For the third year, the Federal government did not comply with a 2001 U.N. Commission on Human Rights resolution calling for a broad-based independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law. The Government refused to renew the mandate of the Chechnya mission of the Organization for Security and Cooperation in Europe (OSCE), charged with “promoting respect for human rights and fundamental freedoms” in the territory, which expired on December 31 (see Section 4).

Chechen fighters also committed serious human rights abuses. According to unconfirmed reports, rebels killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, elderly Russian civilians were killed for no apparent reason other than their ethnicity. As with the many reported violations by federal troops, there were difficulties in verifying or investigating them.

On October 23, approximately 41 members of Chechen terrorist groups took more than 750 persons hostage in a Moscow theater. They threatened to kill the hostages and themselves unless the Government withdrew its troops from Chechnya. Chechen field commander Shamil Basayev subsequently took responsibility for the operation. The effort to rescue the hostages resulted in 168 persons killed, including 127 hostages (in addition to 2 whom the hostage-takers had killed) and the 41 terrorists, who were shot by the rescuers. Most fatalities among the hostages were caused by toxic gas introduced by government security forces in order to subdue the hostage takers. Medical and other observers claimed that many of the deaths might have been avoided if the authorities had provided doctors with information that would have permitted them to administer appropriate antidotes in a timely manner. The authorities cited security reasons for their refusal.

Chechen fighters planted landmines that killed or injured federal forces and often provoked federal counterattacks on civilian areas. In other incidents, rebels took up positions in populated areas and fired on federal forces, thereby exposing the civilians to federal counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

On May 19, Chechen rebels killed S. Simbarigov, allegedly because of his cooperation with federal forces. They placed his head near the building of the local administration of the village of Mesker-Yurt, and his skinned body was found later in the village outskirts. This episode provoked additional special operations by federal forces in Mesker-Yurt, which lasted until June 11.

Chechen fighters also reportedly abused, tortured, and killed captured soldiers from federal forces. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the Government-supported Chechen administration. In a December 27 suicide attack on the Governmental headquarters in Grozny they killed over 80 persons, many of them civilians, and wounded many more.

According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or to settle personal accounts.

Individual rebel field commanders reportedly were responsible for funding their units, and some allegedly resorted to drug smuggling and kidnaping to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and criminal gangs. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. In October 2001, presidential spokesman Sergey Yastrzhembskiy claimed that there were approximately 200 non-Chechen fighters in Chechnya.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties as well as increased pressure from the Government and large, private companies with links to the Government, many media organizations saw their autonomy weaken during the year. The public continued to have access to a broad spectrum of viewpoints, particularly in the print media. However, by a variety of means the Government continued to exert influence over national television and radio, the most widespread sources of information for the public.

Following the October hostage crisis, the two houses of parliament passed a broadly worded amendment that would have prohibited the media from disseminating information that “hindered an antiterrorist operation” or that was “opposition propaganda against an operation or an attempt to justify such opposition.” Following widespread criticism from the media and international media defense organizations, President Putin vetoed the amendment on November 25, returning the issue to the Duma for further consideration.

At times the authorities exerted pressure in a number of ways on journalists, particularly those who reported on corruption or criticized officials. They selectively denied journalists access to information, including, for example, statistics theoretically available to the public and filming opportunities. On many occasions, particularly in regions outside Moscow and St. Petersburg, they demanded the right to approve and then censored certain stories prior to publication and prohibited the tape recording of public trials and hearings. They systematically withheld financial support from government media operations that exercised independent editorial judgment

and attempted to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations. On occasion they removed reporters from their jobs, brought libel suits against journalists, and intimidated and harassed journalists.

Although NTV continued to exercise editorial independence, a state-affiliated bank bought a 49 percent share of the company's stock in October from the majority stockholder, the state-controlled energy firm, Gazprom. Some media analysts interpreted the complex restructuring of Gazprom's media assets as a continued effort by the Government to retain influence over the station in the campaigning for the 2003 Duma and 2004 presidential elections. TV-6 managers teamed up with a media company co-chaired by former Prime Minister Yevgeniy Primakov and the head of the Russian Union of Entrepreneurs to form a new television company, TV Spektrum (TVS). Observers attributed the station's low audience ratings to a general decline in the demand for political news and the difficulties experienced by Kiselev's team in developing new program content. Nevertheless, numerous national and regional media reflected a variety of opinions.

The Government owned approximately 150 of the 550 television stations in the country and indirectly influenced private media companies through partial state ownership of the gas monopoly Gazprom and the oil company Lukoil, which in turn own large shares of media companies. Of the three national television stations, the State-owned Russian Television and Radio (RTR) and a majority of Russian Public Television (ORT); it also maintained ownership or control of the major radio stations Radio Mayak and Radio Rossii and news agencies ITAR-TASS and RIA-Novosti. The Government owned a 38 percent controlling stake of Gazprom, which in turn had a controlling ownership stake in the prominent, privately owned national television station, Nezavisimoye Televideniye (NTV). Since Gazprom's takeover of NTV in April 2001, the Government has been in a position to influence NTV's editorial stance, but at year's end, the station continued to assert its editorial independence.

The Government owned nearly one-fifth of the 12,000 registered newspapers and periodicals in the country and attempted to influence the reporting of independent publications. The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media. The concentration of ownership of major media organizations, including media outlets owned by the federal, regional and local governments, remained largely intact and posed a continued threat to editorial independence. Government structures, banking interests, and the state-controlled energy giants United Energy Systems (UES) and Gazprom continued to dominate the Moscow media market and extend their influence into the regions. Continuing financial difficulties of most news organizations exacerbated this problem during the year, thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result of this dependence, the media's autonomy and its ability to act as a watchdog remained weak.

In other important matters as well, private media organizations and journalists across the country remained dependent on the Government during the year. As in 2001, the GDF reported that some 90 percent of print media organizations relied on State-controlled organizations for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The GDF noted that this practice continued to be more common outside the Moscow area. Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media routinely continued to receive tax breaks on high-cost items such as paper, the GDF and other media NGOs documented numerous instances of government use of taxation mechanisms to pressure media across the country. The Government also occasionally sought to limit reporting on tax matters.

In 2000 the FSB office for the Volgograd region tried to impose a "cooperation agreement" on a number of local newspapers, including Volgogradskaya Pravda, Inter, Gorodskiy Vestnik, and Delovoye Povlozhye, which reportedly were pressured into signing the agreement. The document obliged the newspapers to clear with the FSB prior to publication all of their reports concerning the FSB and to print official FSB releases without comment. The locally based Center for Protection of Media Rights published the agreement, which attracted media attention across the country and subsequently was opposed by human rights advocates. No known attempts to enforce the agreement had been reported by year's end.

Journalists continued to depend on local authorities for accreditation for major news events. There were widespread reports that authorities showed favoritism toward reporters associated or aligned with the federal or local administration, and denied access to journalists representing independent media organizations.

In July Gleb Pavlovskiy, head of the Effective Policy Foundation, sold his web site to the Russian State TV and Radio Company (VGTRK), a large conglomerate that includes all the Government-owned media assets. The media community had previously considered the web site to be a de facto Kremlin media outlet.

Government agencies continued to bring lawsuits and other legal actions against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. The GDF estimated that several hundred such cases had been brought in 2001. Judges rarely found in favor of the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing them. In July the Central District Court of Sochi ordered the newspaper Sochi and correspondent Sergey Zolovkin to pay \$3,175 and \$1,587 (105,000 and 50,000 rubles), to the Krasnodar region administration for alleged defamation of 26 judges from the Krasnodar region. The judge who made the ruling was also one of the plaintiffs in the case. An article by Zolovkin printed in September 2000 reported on the lack of transparency of the court system, while not naming any particular person. Zolovkin left the country for security reasons in March after surviving an assassination attempt and was living abroad at the time of the ruling. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. These proceedings often resulted in stiff fines and occasionally in jail terms. Zolovkin was a reporter for Novaya Gazeta, a Moscow bi-weekly newspaper specializing in investigative reporting, which for several years has been the target of libel suits filed because of reporting on corruption among elected officials and accounts of the Government's military campaign in Chechnya.

In February a Moscow municipal judge handed down two rulings against the newspaper. In the first ruling, a judge ordered the newspaper to pay Krasnodar region judge Aleksandr Chernov \$964,000 (30 million rubles) for a January story alleging that Chernov was living beyond the means of his monthly salary of \$300 (9,000 rubles). In a separate ruling later that month the judge ordered the newspaper to pay Mezhprombank \$482,000 (15 million rubles) for a story alleging the bank's involvement in money laundering. The excessive amounts of the awards (the largest libel award in the country up to that time was \$3,400 (110,501 rubles) drew the attention of media advocacy groups, which sent letters to the Minister of Justice and the President, protesting the excessive damage awards, as well as physical threats to the newspaper's journalists. In April the newspaper settled with Chernov and agreed to admit to errors in reporting in exchange for having the suit dropped. In June Mezhprombank announced that it would not collect its damage award, because it did not want to bankrupt the newspaper. Commentators claimed the bank was more interested in avoiding court scrutiny of financial documents that implicated the bank in money laundering.

Media analysts point to Novaya Gazeta's settlement with Chernov and its refusal to print a paid announcement for an event called "A Two Day World Hunger Strike in Defense of Chechnya" as proof that lawsuits against journalists served to reinforce the already significant tendency toward self-censorship.

There were no discernible repercussions on the press from the Security Council's June 2000 Information Security Doctrine, which outlines "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology" (see Section 1.f.); however, many observers continued to view it as an indication that the Kremlin considered the media to be subject to the administration and control of the Government, and government efforts to limit critical coverage of its attempt to subdue what it regarded as a security threat posed by the rebellion in Chechnya were widely seen as a major impetus for its pressure on the media.

In Moscow in April, police arrested journalists from Ekho TV, Nezavisimaya Gazeta, and Reuters along with protesters who staged an unauthorized rally outside the Kremlin protesting the import of nuclear waste. Police exposed film and confiscated camera and recording equipment. Stavropol Kray journalists reported that they were not accredited to report on the President's visit to the flooded area in July, saying only a select group of Moscow journalists was accredited. Some journalists in Nizhniy Novgorod reported that neither the Volga Federal District Presidential Representative nor high-ranking staff would meet with reporters. They said the envoy's press center would instead offer information via e-mail or from the official web site.

In Sverdlovsk Oblast, Valentin Zhivulin, the editor-in-chief of the independent opposition newspaper testified that he was told in April to leave town or he would "be

in serious trouble.” Zhivulin was threatened immediately after his newspaper reported that only two roads in the city of Irbit had been repaired in 2001, one of which connected the town hall to the mayor’s mansion. In July the city court of Naryan-Mar abruptly closed a criminal case against Olga Cheburina, the editor of “Krasniy Tundrovik,” for abuse of office and exceeding official responsibilities. Cheburina’s case drew national attention after a presidential press conference in June, when one of the newspaper’s reporters asked the President his opinion of the corruption investigation of Nenets governor Viktor Butov. Cheburina was fired a week later by the newspaper’s founders, who included representatives of the regional administration, the regional legislature, and the municipal administration. The newspaper board said that her firing was not connected to the question posed by the reporter.

The Government exerted its influence most directly on state-owned media. As in 2001, the senior staff of RTR—the station with the most extensive coverage area—reported that managers offered “guidance” to program announcers and selected reporters, indicating which politicians should be supported and which should be criticized; criticism of presidential policies was discouraged strongly and even prohibited. Correspondents claimed they occasionally were asked to obtain senior management approval for reports on sensitive political matters prior to broadcasting; occasionally “negative” language was edited out. At times, high-level presidential administration officials reportedly complained to RTR executives about reporting they viewed as critical of the President.

The consequences of the 2001 struggle between Media-Most (owned by Vladimir Gusinskiy) and Gazprom over control of NTV and other Media-Most properties continued to be felt. In January 2001, Media-Most financial chief Anton Titov was arrested on charges of fraud and placed in pretrial detention, where he remained in October. In September Gazprom dropped its lawsuit against Media-Most, Vladimir Gusinskiy, and Anton Titov, saying that the dispute had been settled. Gazprom also asked the court to release the Media-Most assets that the court had frozen after Gazprom filed its suit against Media Most in 2000. The court, however, refused to take into consideration the Gazprom-Media-Most settlement and did not release the Media-Most assets. On December 24, the Cheremushkinskiy inter-municipal court of Moscow convicted Titov of misappropriating loans extended by Gazprom to Media-Most in 1998–1999, sentenced him to 3 years in a labor camp, then amnestied him. Titov was acquitted of charges of money laundering and using forged documents to mislead the creditor. Titov was first arrested in January 2001, and spent the past 2 years in pretrial detention until his amnesty and acquittal.

In September 2001, a provision of the joint stock companies law that allows a minority shareholder to force the liquidation of companies showing a negative balance for more than 2 years was invoked against TV-6, the privately owned television station that had hired a number of NTV journalists who quit NTV to protest Gazprom’s takeover in April 2001. Minority shareholder Lukoil-Garant, a pension fund that owned 15 percent of TV-6, won a claim in the Moscow Arbitration Court to liquidate TV-6’s parent company, which was 75 percent owned by the oligarch, Kremlin critic, and exiled businessman, Boris Berezovskiy. Media freedom experts generally considered the ruling to be a government-supported effort to remove TV-6 from the control of Berezovskiy, accused of financial crimes in an unrelated case, and from the control of former NTV managers, including general director Yevgeniy Kiselev.

The Moscow Arbitration Court ruling was upheld by the High Arbitration Court in January. Later in January, before the “liquidation” procedure was formally completed, the Media Ministry took TV-6 off the air and scheduled an auction date for its broadcasting frequency on March 27. In February Kiselev resigned as head of TV-6 and established a new television company, “Sixth Channel,” with financial support from a group of leading businessmen, which also owned shares in the company. In order to increase its chances of winning the frequency, the Sixth Channel teamed up with Media-Sotsium, a media company co-chaired by former Prime Minister Yevgeniy Primakov, head of the Russian Union of Entrepreneurs, Arkadiy Volskiy, and entrepreneur Oleg Kiselev. The Sixth Channel and Media Sotsium established TV-Spektrum (TVS), a new media company in which Media Sotsium holds the broadcasting license and Sixth Channel provides programs and retains its editorial independence. In March Media-Sotsium won the broadcasting license, and in June TV-S started to broadcast on the former TV-6 frequency. Despite the widespread notion that Primakov and Volskiy were Kremlin-appointed “internal censors,” Kiselev and other TVS managers and journalists reported that there were no serious attempts by Primakov or Volskiy to interfere in the Sixth Channel’s editorial policies. Observers attributed the station’s low audience ratings to a general decline in the demand for political news and the difficulties experienced by Kiselev’s team in developing new program content.

In July Gazprom's media branch, Gazprom-Media, announced that it had purchased the last of Vladimir Gusinskiy's stock in the media companies that formerly were part of his Media-Most holding company, which included a 30 percent stake in NTV and 14.5 percent of independent radio station Ekho Moskv. In September, 11 months after Gazprom announced intentions to sell its media assets, Gazprom established a new holding company to manage the 23 media companies it took over from Media-Most in April 2001. The new holding company replaced Gazprom-Media and was jointly owned by Gazprom and the state-affiliated Eurofinance Bank. Gazprom retained a 51-percent stake in the new company and its subsidiaries, while Eurofinance received a 49-percent share in exchange for repaying the media subsidiaries' \$600 million (1.8 billion rubles) debt to Gazprom. The future of Gazprom's media assets, particularly NTV, has remained a matter of public concern since Gazprom took them over. Some media analysts believed the complex financial transaction between two government-owned instruments was a means to assert control over an influential media outlet, particularly before the 2003 Duma and 2004 Presidential elections.

In October, in a move that some media advocacy groups associated with radio broadcasts to Chechnya, President Putin revoked a 1991 presidential decree that authorized Radio Free Europe/Radio Liberty (RFE/RL) to open a permanent bureau in Moscow and instructed the Ministry of Foreign Affairs to accredit the bureau. According to press reports, President Putin attributed the decision to revoke the 1991 decree to a desire to put all foreign bureaus on the same legal footing and to the belief that the 1994 law on mass media has made Yeltsin's 1991 decree obsolete. A statement issued by the Presidential Administration said that RFE/RL's editorial policies, "despite the end of the Cold War," had in recent years become "biased," especially those of its Chechen and Ukrainian services, but also indicated that revocation of the 1991 decree was unrelated to RFE/RL editorial policies.

At times local government officials actively restricted freedom of the press, particularly during election periods. GDF reported numerous violations of journalists' rights during elections. For example, reporters from the newspapers *Nezavisimaya Gazeta* and *Komsomolskaya Pravda* were denied access to a polling station in Voronezh during city council elections; armed police in Volgograd prevented New Wave Radio and Alternative Broadcasting News correspondents from observing vote counting during mayoral elections. The Moscow City Electoral Commission prevented correspondents from *Novyye Izvestiya* newspaper and Russian Public Television (ORT) from attending a meeting where the registration of mayoral candidates would be discussed, on the grounds that ORT would draw "a distorted picture of the Commission's performance."

Journalists who published critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to death threats, threats of beatings, and other physical violence by unknown assailants. Assailants also frequently attacked journalists physically, although in most cases no direct link was established between the assault and the authorities who reportedly had taken offense at the reporting in question. A number of independent media NGOs characterized beatings by unknown assailants of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

During the year, a number of individuals whose occupations were related to the media were killed or reported missing, and scores were attacked, drawing protests from international media defense organizations. The International Press Institute voted unanimously in May to keep the country on its watch list of countries that "retain the essential elements of democracy, but which have entered a repressive phase," or countries with the means to halt attacks on media. The NGO *Glasnost* reported 25 killings of journalists during the year; however, other observers noted that not all of the killings had been linked to the victims' occupations. In the following cases, colleagues and police considered the victims' professions to be the motive for the crimes against them: On March 11, Natalya Skryl, a journalist for the Taganrog-based newspaper *Nashe Vremya*, was killed by a blow to the head. Sergey Kalinovskiy, editor-in-chief of the newspaper *Moskovskiy Komsomolets-Smolensk*, disappeared on December 14, 2001; his body was found on April 1. Valeriy Ivanov, editor-in-chief of *Tolyattinskoye Obozreniye*, was shot dead on April 29 in Tolyatti. On May 19, Aleksandr Plotnikov, founder of the newspaper *Gostinyi Dvor*, was found murdered in Tyumen Oblast. Nikolay Vasilyev, a local Chuvash reporter, was robbed and beaten to death on August 18 in Cheboksary. Igor Salikov, head of information security for *Moskovskiy Komsomolets-Penza*, was shot to death on September 21 in Penza. Also in Penza, the editor of *Lyubimiy Gorod* newspaper was beaten unconscious on August 11. The next day, Yuriy Frolov, deputy director of Propaganda Publishing, was abducted and had not been located by year's end. On

August 14, Viktor Shamayev, crime reporter for *Penzenskaya Pravda* and editor of the newspaper *Dlya Sluzhbenovo Polzovaniya*, was abducted in Arbekov, tied up and beaten and told to give up journalism and leave town. He was subsequently released and was reported to have remained in Arbekov. In February Ilyas Magomedov, head of an independent Groznyy Television channel, disappeared after leaving his home in Beloreche on February 21.

The northern Caucasus region continued to be one of the most dangerous regions for journalists. Kidnapping and assaults remained serious threats. On September 26, British free-lance television journalist Gervaise Roderick John Scott was killed during fighting in Ingushetia between Chechen fighters and government forces. Federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment. On August 16, government soldiers confiscated accreditation documents and equipment belonging to ORT and TV Tsentr journalists as they were interviewing Chechens fleeing their village. The Government required reporters to obtain special accreditation besides the usual Foreign Ministry accreditation for entry to the region. Foreign journalists have also publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to obtain local press accreditation.

The courts did not respond by year's end to an appeal of a Supreme Court ruling upholding some of the charges against Olga Kitova, a correspondent for *Belgorodskaya Pravda* and a member of the Belgorod regional parliament. Authorities harassed Kitova because of her reporting on regional government officials. She was arrested in March and May of 2001 and suffered a heart attack while being held in pretrial detention. After a series of trials and motions, she received a 2½-year suspended sentence on libel charges, and her lawyers filed an appeal with the Supreme Court. In July the Supreme Court reduced her extended jail time by 5 months and dropped some of the charges.

There were no leads in the cases of two journalists killed in 2001. Vladimir Kirsanov, a local newspaper editor from Kurgan, was reported missing in May 2001 after his bloodstained documents were found on the bank of the Tobol River in Kurgan. Eduard Markevich, editor of *Novyye Reft*, was shot and killed in September 2001. The cases of journalists killed in 2000 remained unsolved, including: Radio Free Europe/Radio Liberty correspondent Iskander Khatloni, who had been investigating alleged human rights abuses by the federal military in Chechnya; the July 2000 killing of Igor Domnikov, a journalist with *Novaya Gazeta*; and the July 2000 killing of Sergey Novikov, president of the independent radio station Vesna.

On June 26, a court acquitted six defendants, including a former intelligence chief of the airborne infantry, Colonel Pavel Popovskikh, three other officers, and two civilians, on charges of the 1994 murder of Dimitriy Kholodov, military affairs correspondent for the news daily *Moskovskiy Komsomolets*. The court cited lack of evidence against the defendants and also acquitted them of malfeasance and misappropriation of ammunition and explosives.

The well-known *Novaya Gazeta* reporter Anna Politkovskaya, who gained international recognition and received death threats because of her reporting on Chechnya, was forced into hiding in 2001. In October her lawyer reported that she was provided with federal guards after receiving death threats from Sergey Lapin, a member of the OMON (special forces unit of the Ministry of Interior), because of her article concerning the disappearance of Zelikhman Murdalov, a man arrested by OMON forces in Chechnya in January 2001. A criminal case against Lapin remained open at year's end.

In May and June 2001, a poll conducted among adults throughout the country by the Institute for Comparative Social Research reported that 7 percent of adults had access to the Internet and that Moscow and St. Petersburg had the highest number of users. Access appears to have been unrestricted, but the Government required Internet service providers to provide dedicated lines to the security establishment so that police could track private email communications and monitor activity on the Internet. The system of operative and investigate procedures (SORM-2) continued during the year to limit the electronic privacy of both citizens and foreigners (see Section 1.f.).

The Government did not restrict academic freedom; however, during the year human rights activists questioned whether the Sutyagin case and others discouraged academic freedom and contact with foreigners on issues that might be deemed sensitive (see Section 1.e.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected freedom of assembly; however, at times local governments restricted this right. Organizations were required to obtain permits in order to hold public meetings and the application process had to be initiated between 5 and 10 days before the scheduled event. Religious

gatherings and assemblies do not require permits. While the Ministry of Justice readily granted permits to demonstrate to both opponents and supporters of the Government, some groups were either denied permission to assemble, or had their permission withdrawn by local officials after Ministry of Justice officials had issued them. For example, in May 2001 authorities in Podolsk denied a permit to the Anti-Militarist Radical Association and the Radical Party to hold a demonstration against the war in Chechnya in front of the Podolsk military commissariat ("voyenkomat"), claiming that most of the event's potential participants were not residents of Podolsk but of Klimovsk, another town in the same region. In June 2001, Presnya district authorities in Moscow denied organizers a permit to hold a demonstration in front of the International Trade Center, claiming that the location was too close to potentially explosive and flammable installations; officials denied the permit without giving the organizers the required 3 days' notice. The demonstrators intended to protest the decision to hold the 2008 Olympics in Beijing, citing China's human rights record. In August police disrupted a planned peace march from Groznyy to Moscow by invoking their legal authority to conduct document checks; several persons were detained for lacking registration permits (*see* Section 2.d.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Public organizations must register their by-laws and the names of their leaders with the Ministry of Justice.

Government efforts to increase cooperation with NGOs, including President Putin's civic forum held with many of them in 2001 and in December, enhanced their standing in society, but some NGOs feared that they represented an effort by the Government to enhance its influence over them. Although the 1-year anniversary of the Civic Forum was celebrated November 22–24 in Samara, NGOs generally expressed disappointment at the lack of tangible results of the initiative.

By law political parties must have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (*see* Section 3).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, in some cases the authorities continued to impose restrictions on some groups and there were increasing indications that the security services may be treating the leadership of some minority religious groups, particularly Roman Catholics, as security threats.

The Constitution also provides for the equality of all religions before the law and the separation of church and state; however, in practice the Government did not always respect the provision for equality of religions. Many religious minority groups and NGOs complained of what they believed was a confluence between the Russian Orthodox Church and the state. Public statements by some government officials and anecdotal evidence from religious minority groups suggested that the Russian Orthodox Church increasingly enjoyed a status that approaches official. In its preamble, which some authorities denied had the force of law, the 1997 Law on Freedom of Conscience recognized the "special contribution of Orthodoxy" to the country's spirituality and culture. The Church has entered into a number of agreements with government ministries that have raised the question of favoritism. For example, the Russian Orthodox Church appears to have had greater success reclaiming prerevolutionary property than other groups. Also, many religious workers believe that the Russian Orthodox Church played a role in the cancellation of visas held by foreign religious workers.

The 1997 law regulating religious practice limits the rights, activities, and status of religious "groups" existing in the country for less than 15 years and requires that religious groups exist for 15 years before they can qualify for "organization" status, which conveys juridical status. All religious organizations were required to register or reregister by the end of 2000 or face liquidation (deprivation of juridical status). Groups that were unregistered previously, including groups new to the country, were severely hindered in their ability to practice their faith. The Ministry of the Press reported that as of January 1, 20,441 organizations were registered. Religious minority denominations and NGOs reported that a number of groups were liquidated despite repeated attempts to reregister; some of these cases were being challenged in court. At year's end, a number of government working groups were reported to be preparing possible changes and amendments to the 1997 law. However, no new changes were made to the law by year's end.

Treatment of religious organizations, particularly minority denominations, varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice. In some areas such as Moscow, Khabarovsk, and Chelyabinsk, local authorities prevented minority religious denominations from reregistering as local religious organizations, as required by law, subjecting them to campaigns of legal harass-

ment. For example, Jehovah's Witnesses continued to contest the rejection by the Moscow department of the Ministry of Justice of its repeated applications to reregister under the 1997 law; however, at year's end, the courts continued to uphold those denials. In addition, the procurator for Moscow's northern administrative circuit continued his efforts to ban Jehovah's Witnesses. Despite earlier efforts to defend themselves against a ban in Moscow's Golovinskiy Intermunicipal Court, a new trial on this issue began in that same court on October 30 and was ongoing at year's end. Pending the outcome of a court-ordered study to determine the potential negative effects of Jehovah's Witnesses literature on society and a random survey to further evaluate these effects and assess the public's attitudes towards the religion, Jehovah's Witnesses in Moscow were not allowed to reregister. As a result, they continued to experience problems in leasing space. Outside of Moscow, Jehovah's Witnesses have been denied registration in Chuvashiya and Tver but successfully registered in Novgorod.

Many religious groups continued to contest administrative actions against them in the courts. While such cases are often successful in court, administrative authorities are at times unwilling to enforce court decisions. The Constitutional Court ruled as unconstitutional the 2001 liquidation of the Moscow chapter of the Salvation Army by a local court. While the Salvation Army has not yet been cleared to reregister, the group continued to operate at year's end. Efforts to liquidate the Moscow branch of the Church of Scientology were defeated in the courts. At year's end, the Church continued to be engaged in legal battles in other localities.

The Moscow Department of Justice (DOJ), a branch of the Ministry of Justice, filed a liquidation suit in 2001 against the Moscow branch of the Church of Scientology, but the Church won both the suit and ensuing DOJ appeal in July. While the Moscow Church had not been cleared to reregister by October, the group continued to operate. The Scientologists filed a suit with the ECHR against the liquidation order. The St. Petersburg branch of the Church of Scientology filed an application to register in February, but was refused twice. In Khabarovsk the local Department of Justice filed for the liquidation of the Dianetics Center. The Church of Scientology lost on appeal and the case was under consideration by the federal Supreme Court. In a related case, the director of the Dianetics Center was convicted on criminal charges of the illegal practice of medicine and education. She lost on appeal and was given a suspended sentence of 6 years. Local media attention included references to "totalitarian sects" in their coverage. The case was also under consideration by the Supreme Court.

The Church of Jesus Christ of Latter-day Saints (Mormons) administered 38 locally registered organizations; however local officials rejected registration attempts in Ryazan, Kazan, Shakhty, and Chelyabinsk. A suit was filed with a local court in Chelyabinsk, questioning the repeated refusals of the authorities to register the Church. The case was pending at year's end. The Church's organizations experienced initial problems registering in Khabarovsk and Nakhodka but were ultimately successful.

The Vanino Baptist Church in Khabarovsk continued to experience difficulties in registering and operating in its own building, despite winning its rights in a court case in August. Dan Pollard continued to be denied a visa despite a court order removing his name from a list of individuals to be denied visas.

A Muslim community spokesman confirmed that as of October, 3,186 Muslim groups were registered, up from 3,048 in 2001. Rival Muslim groups continued to accuse each other of "Wahhabism" (see Section 5). This pejorative label may have had a detrimental effect on reregistration in certain regions and has made local ethnic Russians more wary of Muslim religious organizations.

Reports continued that some local and municipal governments prevented religious groups, including congregations of Jehovah's Witnesses, Protestants, Catholics, Mormons, and Hare Krishna from using venues suitable for large gatherings and from acquiring property for religious uses. In August Catholics in Yaroslavl were barred from building a new church on a previously approved plot of land. Jehovah's Witnesses reported difficulties obtaining permission to build. In Volgograd the Church of Jesus Christ of Latter-day Saints successfully filed suit against an order preventing them from registering as owners of their newly constructed hall.

Property disputes continued to be among the most frequent complaints cited by religious groups. In accordance with a presidential decree, some synagogues, churches, and mosques have been returned to communities to be used for religious services. According to the Government, requests for restitution may be considered by the official entities responsible for the properties in question. In the context of the Duma's adoption of a new law allowing for private land ownership, Russian Orthodox officials and politicians raised the issue of restitution of church lands taken

after the 1917 Bolshevik revolution. Other religious groups also expressed interest. No action was taken by year's end.

Some minority groups expressed concern over the release in November by the Minister of Education of an optional course entitled "Orthodox Culture" for introduction into the public school curriculum. The course would be a part of the general curriculum beginning in primary school. Courses on religion were already offered in a number of regions, but critics expressed concern that school administrators throughout the country would see the release of this document as central government encouragement of such courses. Following complaints, including some from minority religious leaders, the Ministry emphasized that enrollment in the course would be voluntary.

The Government continued to deny foreign religious workers visas to return to the country. In the case of Roman Catholics, these efforts were accompanied by deportations. Five leading Roman Catholic officials were either deported, barred entry, or denied visa renewals during the year: Stefano Caprio, an Italian priest based in Vladimir; Jerzy Mazur, a bishop of Polish-Belorussian descent based in Irkutsk; Stanislav Krajniak, a Slovakian priest based in Yaroslavl; Edward Mackiewicz, a Polish priest based in Rostov-on-Don; and Jaroslaw Wisniewski, a Polish priest (and Russian permanent resident) based in Sakhalin. According to officials of the Ministry of Foreign Affairs, the priests were expelled on security grounds. In September a court in Krasnodar ordered the deportation of Swedish Evangelical missionary Leo Martensson. Two Mormon missionaries were ordered deported from Khabarovsk in September, but they successfully challenged the order.

The Government also continued to deny other foreign missionaries visas to return to the country, reportedly as a result of earlier conflicts with authorities.

In 2001 the Supreme Court rejected the Belgorod local procurator's challenge to a local law restricting missionary activity. The law also restricted the missionaries' use of local venues for religious meetings. Foreigners visiting the region are forbidden to engage in missionary activity or to preach unless the conduct of missionary activity had been stated in their visas. The Office of the Human Rights Ombudsman reported its disagreement with the law and attempted to convince the Belgorod court to reverse the decision, but there were no further changes to the law by year's end.

Representative offices of foreign religious organizations are required to register with state authorities. They are barred from conducting liturgical services and other religious activity unless they have acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under law) have opened without registering or have been accredited to a registered religious organization. However, those offices are not permitted to conduct religious activities and do not have the status of a religious "organization."

Reports of official harassment and punishment for religious belief or activity continued. Most difficulties appeared to originate with local officials; however, some religious minority denominations believed that these officials continued to be influenced by a 1999 manual sent by the Procurator General to regional branches of the Procuracy encouraging challenges to their registration. Some groups also accused the FSB and other Federal agencies of continuing harassment of certain "nontraditional" denominations, in particular Pentecostals, Scientologists, Jehovah's Witnesses, Mormons, and the Unification Church. For some, notably Catholics, the level of harassment increased. Churches were targeted for ostensible criminal investigations, landlords pressured to renege on contracts, and in some cases, the security services may have influenced the Ministry of Justice in registration applications. Such groups continued to face discrimination in their ability to rent premises and conduct group activities. For example, the Moscow Protestant Chaplaincy's long tenure at a local community center was inexplicably interrupted in July, and at year's end, the group had not yet managed to secure a new space.

Contradictions between federal and local law in some regions and varying interpretations of the law gave some regional officials pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level were attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that were widely held in society. For example, articles heavily biased against religions considered "nontraditional" appeared regularly in both local and national press. There were reports of harassment of members of religious minority groups. Several religious communities were forced to defend themselves in court from charges by local authorities that they were engaging in harmful activities; however, at times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organiza-

tions. In other cases, authorities sometimes were slow to carry out, or refused to carry out, such rulings and in many cases appealed the rulings.

The Pentecostal Church in Azbest complained about harassment by local officials that included an organized roundtable to discuss the negative effects of the religion. In addition, the local church was vandalized. A spokesman for the Pentecostal Church reported numerous complaints of official harassment throughout the country. Officials in Khabarovsk were quoted in the media as referring to Pentecostals, the Church of Jesus Christ of Latter-day Saints, and others as "totalitarian sects."

During the year, the Government was more active in preventing or reversing discriminatory actions taken at the local level, by more actively disseminating information to the regions and, when necessary, reprimanding the officials at fault. President Putin also has sought stricter and more consistent application of federal laws in the many regions of the country. Working through the Procuracy, the Ministry of Justice, the Presidential Administration, and the courts, the Government has persuaded the regions to bring their laws into conformance with federal laws and with the Constitution. Pressure at the federal level reportedly led local officials to rescind an order to dissolve a Muslim mosque in Vologda. The Presidential Academy of State Service also has worked with religious freedom advocates such as the Slavic Center for Law and Justice to train regional and municipal officials in the proper implementation of the law.

While religious matters were not a source of societal hostility for most citizens, relations between different religious organizations frequently were tense, particularly at the leadership level, and members of individual minority religions continued to encounter prejudice and societal discrimination, and in some cases violence. Authorities usually investigated incidents of vandalism and violence, but arrests of suspects were extremely infrequent and convictions were rare.

Muslims, Catholics, Jews, and members of other minority religions continued to encounter prejudice and societal discrimination. In September unknown assailants shot at the windows of the Catholic church in Rostov.

Hostilities toward "nontraditional" religious groups reportedly sparked occasional harassment and even physical attacks. In July a Mormon in Gatchina, in Leningrad Oblast, was threatened with arrest for illegal picketing (he was displaying a signboard on a city street). In October 2001, police arrested five suspects believed to have been involved in tossing a Molotov cocktail into the Moscow headquarters of the Church of Scientology in 2001; the church had received bomb threats by telephone prior to the incident. In February one of the five defendants was found guilty and sentenced to 2 years in jail.

By various estimates, Muslims form the largest religious minority, but they continued to face societal discrimination and antagonism in some areas. Discriminatory attitudes have become stronger since a group of Chechen rebels took 750 hostages in a Moscow theater in November (*see* Section 1.g.). The authorities, the media, and the public have been quick to label Muslims or Muslim organizations "Wahhabists," a term that has become synonymous with "extremists."

Although Jewish leaders have stated publicly that the State-sponsored anti-Semitism of the Soviet era no longer exists, Jews continued to face prejudice, social discrimination, and some acts of violence. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions. For example, in July swastikas were drawn on the fence around the St. Petersburg synagogue. Anti-Semitic themes continued to figure in some local publications around the country, unchallenged by local authorities. During the year, unknown persons vandalized synagogues, Jewish cemeteries, and memorials.

There were also numerous cases of anti-Semitic signs rigged with explosive devices calling for "Death to Kikes" and other slogans. The devices detonated when unknowing citizens attempted to remove the signs, resulting in severe wounds or death. In May President Putin publicly recognized Tatyana Sapunova, the victim of one widely publicized incident. In April boxes with anti-Semitic signs but no explosives were found in Moscow outside a maternity ward and at the airport in Krasnoyarsk.

Vandals desecrated tombstones in cemeteries dominated by religious and ethnic minorities in numerous cases. They included: An Armenian cemetery in Krasnodar in April, Muslim tombs in a Volgograd cemetery in July, a cemetery in the Moscow region for war prisoners in June, several cemeteries in Irkutsk in July, 400 tombs in Moscow in September, and several acts of vandalism in Kaliningrad. These attacks usually were accompanied by swastikas and other ultra-nationalist symbols. In December Human Rights Ombudsman Mironov called for increased tolerance in a multi-ethnic and multi-religious Russia after an incident in Kostroma where a group of young men scrawled anti-Semitic graffiti on a synagogue and broke several windows.

During the year, there were many instances of politically or religiously motivated violence against religious workers in the northern Caucasus.

The Office of Human Rights Ombudsman Oleg Mironov includes a department dedicated to religious freedom issues. This department received 40 complaints from individuals and groups about infringements of religious freedom. Of these, 10 were resolved in favor of the plaintiffs with the help of the Ombudsman's office. Mironov continued to criticize the 1997 Law on Freedom of Conscience and to recommend changes to bring it into conformity with international standards and with the Constitution.

Although the Constitution mandates the availability of alternative military service to those who refuse to bear arms for religious or other reasons of conscience, in practice no such alternative exists. The Slavic Law Center handled several cases of persons who refused to perform military duty based on their religious convictions.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government placed restrictions on freedom of movement within the country, migration, and foreign travel.

The Government has imposed registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and must register with local authorities for visits of more than 3 days (in Moscow for visits more than 24 hours); however, travelers not staying in hotels usually ignored this requirement. These internal passports also are required for obtaining many governmental services. There have been several disputes between the central authorities and regional governments regarding the internal passports.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although authorities justified the rules as a notification device rather than a control system, their application produced many of the same restrictive results as the propiska system. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to the country from other former Soviet republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. Police demanded bribes when processing registration applications and during spot checks for registration documentation. UNHCR and refugee rights NGOs cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGOs dispute including St. Petersburg on this list). The fees for permanent and temporary registration remained low. The Government and city governments of Moscow and other large cities defended registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and earn revenue. The City of Moscow was forced to defend its registration requirement in court. Despite nearly 3 years of litigation, the registration requirement remained in effect, and the practice—which police reportedly used mainly as a means to extort money—continued at year's end.

While federal law provides for education for all children in the country, regional authorities frequently denied access to schools to the children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 5).

According to NGOs, the city of Moscow and some others frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Moscow police, particularly special duty OMON units, conducted frequent document checks, particularly of persons who were dark-skinned or appeared to be from the Caucasus. There were many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to HRW and church ministries tracking interethnic violence, it was not unusual for darker-skinned persons to be stopped at random and for officers to demand bribes from those without residence permits.

According to the Moscow Helsinki Group's 2001 human rights report, during 1989–90, approximately 90,000 Meskhetian Turks, an ethnic group many of whose members had been deported from the Soviet Republic of Georgia during World War II, were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan where they had settled. At the end of the year, an estimated 60,000 Meskhetian Turks remained in the Russian Federation. Of these, more than 13,000 had settled in

Krasnodar Kray, and approximately 700 had settled in the Kabardino-Balkariya Republic. Authorities in Krasnodar Kray and the Karbardino-Balkariya Republic continued to deny the Meskhetian Turks the right to register, which deprived them of all rights of citizenship, despite provisions of the Constitution that entitled them to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, were subject to special registration restrictions; for example, they were required to register as “guests” every 45 days. The administration of Krasnodar Governor Tkachev appeared to be attempting to use economic measures to force the Meskhetians to leave the territory. According to Memorial, in the winter of 2001–02 the authorities prohibited them from leasing land and cancelled existing leases for the 2002 crop season. Other measures imposed on them included a prohibition on employment or commercial activity in local markets.

The Constitution provides all citizens with the right to emigrate. The Government imposed nominal emigration taxes, fees, and duties. On average it took 3 months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

A Soviet requirement that citizens receive a stamp permitting “permanent residence abroad” (PMZh) in order to emigrate—essentially a propiska for those living outside the country—was formally abolished in 1996; however, implementation of the law (which had been scheduled to go into effect early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh-like stamp of all emigrants, and OVIR continued to issue it.

If a citizen has had access to classified material, police and FSB clearances were necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the First Deputy Foreign Minister. The Commission may not rule on whether the material should or should not be classified, but it may rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. During the year, the Commission granted travel permission to approximately 78 percent of applicants. The 1996 law states that access to classified material may occur only with the consent of the citizen, established in the form of a written contract, which states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision raised serious concerns among human rights advocates who monitor government restrictions on foreign travel; however, there were no reports that the provision was applied during the year.

Other grounds for denial of the right to travel abroad were: Military conscription, assignment to civilian alternative service, being under criminal investigation, serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application.

Emigrants who resettled permanently abroad generally have been able to visit or repatriate without hindrance; however, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country again (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000. At year’s end, an estimated 110,000 IDPs from Chechnya were residing in Ingushetiya, many of them in camps, and 140,000 IDPs in various parts of Chechnya. There were reports of approximately 4,500 Chechen IDPs in Dagestan, 2,500 in North Ossetiya, and 4,000 in Georgia. Approximately 20,000 Chechen IDPs reportedly went to other regions of the country. In addition to ethnic Chechen IDPs, almost the entire population of ethnic Russians, ethnic Armenians, and Jews left Chechnya as a result of both the conflict that began in 1999 and the war of 1994–96.

Government officials stated publicly that they would not pressure or compel IDPs to return to Chechnya; however, at the same time, federal and local authorities consistently stated their determination to repatriate all IDPs back to Chechnya as soon as possible. Representatives of the Chechen administration visited camps in Ingushetiya to encourage IDPs to return to Chechnya, usually to temporary IDP facilities; many who did so quickly returned to Ingushetiya because of a lack of facilities and a lack of security in the temporary facilities for IDPs in Chechnya. Toward

the end of the year, the authorities employed various degrees of pressure to force the IDPs to return. Authorities announced that the IDP camps, which housed 20,000 IDPs, would be closed by the end of December; one of the camps, at Aki-Yurt, was closed in early December, ostensibly for health reasons, and two at Znamenskoye in Chechnya were closed in July. However, following domestic and international protests, President Putin reiterated the assurance that no one would be repatriated involuntarily and that he would review the policy. At times the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within the country—required travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities (*see* Section 1.g.). Officials stopped registering IDPs in Ingushetiya in spring 2001, depriving new arrivals of the possibility of regularizing their status in the republic. Local authorities also frequently removed IDPs from the registration lists if they were not physically present when the authorities visited their tents. There were frequent interruptions in gas and electricity to IDP camps in Ingushetiya, events that often were viewed by IDPs as pressure to return to Chechnya.

On June 21, a federal law on the legal status of foreign citizens was adopted by the State Duma. Critics of the law pointed out that the 3-month deadline facing non-citizens for obtaining Russian visas or a long-term residence was very short, that the law does not include an exhaustive list of documents required for official registration, and that the law leaves many matters to the MVD's discretion. The law also requires that a foreigner prove, even after receiving the permit, that he or she is able to provide for himself and his family at a certain level. Under this law, an AIDS-infected foreign worker should be fired from his job immediately. An AIDS-infected person is prohibited from receiving permanent residence status. According to human rights observers, this law, and a new citizenship law, could further increase the difficulties facing groups such as Meskhetian Turks in Krasnodar and other regions who have been denied citizenship documentation in contradiction to Russian citizenship law.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol; however, the Government applied the law in a restrictive manner during the year. The Government rarely granted asylum. It cooperated to a limited extent with the UNHCR and the IOM; both organizations assisted the Government in trying to develop a more humane migration management system, including more effective and fair refugee status determination procedures. As of October 2001, UNHCR had registered approximately 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimated that only 11,000 of these were active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into society, left the country, had been resettled, or repatriated. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. There continued to be widespread ignorance of refugee law both on the part of officials and would-be petitioners.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government did not deport them but continued to encourage their return home. The number of persons from these countries has increased in the last few years due to the new arrival of persons seeking refugee status. According to the UNHCR, it had granted refugee status to more than 800 Africans and 5,200 Afghans since 1992.

A group of approximately 1,400 to 2,000 Armenian refugees evacuated from Azerbaijan in the wake of late 1980s ethnic violence remained housed in "temporary quarters," usually in Moscow hotels or workers' dormitories. They were unable to return to Azerbaijan, and conditions in Armenia made emigration to that country practically impossible; they also lacked residency permits for Moscow. Representatives of the community have stated that they were not interested in Russian citizenship, which would entitle them to the benefits accorded to forced migrants, because they did not believe such a step would improve their material situation. They also rejected offers of relocation to other regions, alleging that the alternative housing that they were offered frequently was not suitable or available. Their situation remained precarious because the formerly state-owned hotels in which many reside were being privatized; a number of eviction orders were served in such cases during the year. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 airport. The authorities systematically deported improperly documented passengers, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger requested asylum, Aeroflot provided telephone numbers for the UNHCR, but these numbers were not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there were no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers were not allowed to leave the transit zone and often were returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely released passengers from the transit zone unless there was a medical emergency.

There were 114 Points of Immigration Control (PICs) at border crossings and international airports, which were staffed by former members of the former Ministry of Federation Affairs, Nationalities, and Migration Policy who were subsequently employed by the Ministry of the Interior. Most of the cases referred to them dealt with labor migrants both entering and leaving the country. A few were asylum seekers. According to the UNHCR, the PICs have never accepted anyone as an asylum seeker. Those who were interviewed (and refused) by the PIC at Sheremetyevo-2 generally were referred to the UNHCR, which received numerous such cases during the year. The UNHCR examined each case and sought resettlement on an emergency basis for those that it accepted.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for political beliefs or for actions (or inactions) that are not considered a crime in the Russian Federation; however, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants from other former Soviet states may be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system was reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain without actual legal grounds opposition figures from the other former Soviet republics.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of universal suffrage.

The Constitution establishes four branches of government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the Judiciary. The Constitution gives predominance to the Presidency, and the President utilized his many powers to set national priorities and establish individual policies.

After President Yeltsin's December 1999 resignation, Vladimir Putin assumed the post of acting President. In a March 2000 election, Putin was elected President. While some among the opposition and the media claimed widespread election fraud, most international observers concluded that the election generally was free and fair and the results valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Many observers pointed to problems with biased media coverage of the presidential election campaign.

The Duma was elected in December 1999. International observers judged those elections to be largely free and fair, and 69 percent of eligible voters participated. A grouping of strong, propresidential centrist party factions puts majority support within reach for almost all presidential priorities. Nonetheless the Duma remained an independent institution representing powerful interests and individuals.

In 2000 the Federal Assembly passed legislation according to which regional executives and heads of regional legislatures would appoint members of the Federa-

tion Council instead of serving in that body themselves. By the beginning of the year, this new system was fully in effect; regional executives and heads of regional legislatures no longer served on the Federation Council.

Competitive elections for various regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in some of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. There were reports that incumbent governors in some regions pressured local press organizations to support their candidacies or deny support to their challengers (*see* Section 2.a.).

In a number of regions, there were apparent incidents of candidates being pressured by central or regional officials to withdraw from elections, disqualification of candidates through apparently prejudiced application of elections laws, and other forms of electoral manipulation. In presidential elections in the Republic of Ingushetiya in April, for example, an individual filed a complaint alleging that a popular local candidate had violated election laws. When it appeared that local courts were about to rule in the candidate's favor, armed federal authorities stormed the courtroom and impounded all evidence. Later that day, a federal court in the Southern District center of Rostov immediately declared the candidate guilty, eliminating him from the race. The man eventually elected President of Ingushetiya had previously worked for the office of the Presidential Representative in the Southern Federal District.

The July "Law on Basic Guarantees of Electoral Rights and Citizen Participation in Referendums" and the July 2001 "Law on Political Parties" significantly enlarged the role played by political parties in the electoral system by simplifying candidate nomination by parties at all levels of government and by requiring that half of the seats in regional legislatures be determined by party-list voting, as in the State Duma. These laws, in conjunction with the December "Law on Elections of State Duma Deputies," expanded campaign spending limits and public financing of political parties, shortened the official campaign period, limited the conditions under which candidates may be removed from the ballot, and imposed restrictions on media coverage. An additional effect of the laws was the expansion of the Central Elections Commission's authority over subordinate regional elections commissions. In September the President signed into law an amendment to the "Law on Referenda" that prohibits national referenda in the year prior to federal elections.

Political parties historically have been organizationally weak. The July 2001 law on political parties requires parties to have 10,000 members in order to be registered and function legally, with no fewer than 100 members in a majority of the country's 89 regions (*see* Section 2.b.). The law grants political parties a partial monopoly on running candidates for legislative office, creates serious hurdles for the registration of new political parties, and gives the executive branch and Procuracy broad powers to regulate, investigate, and close down parties.

In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies elected to the Duma in 1995. A woman, Lyubov Sliska, served as the First Deputy Chairman of the Duma. One woman, Valentina Matviyenko, served as a Deputy Prime Minister.

Legal provisions have allowed national minorities to take an active part in political life (*see* Section 5); however, ethnic Russians dominated the political system, particularly at the federal level, and national minorities generally were underrepresented in many areas of public life.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many domestic and international human rights groups generally operated without hindrance in the country, and most investigated and publicly commented on human rights problems, generally without government interference or restrictions; however, some local officials harassed human rights monitors (*see* Section 1.d.), and the Government refused to renew an agreement with the OSCE Assistance Group that would have permitted it to continue its human rights monitoring in Chechnya. Several NGOs reported increased difficulties in their relations with local authorities. These ranged from visa and registration problems to delays in permission to enter Chechnya to denial of permission to enter IDP camps in order to provide assistance. The Government's attitude towards human rights NGOs varied; the level of cooperation tended to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGOs monitoring prison conditions en-

joyed an excellent relationship with government authorities, while those monitoring Chechnya had a more tense relationship. Officials, such as human rights ombudsman Oleg Mironov, regularly interacted and cooperated with NGOs.

Several NGOs were headquartered in Moscow and had branches throughout the country. Some of the more prominent human rights organizations were the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees (USMC), the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups were recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participated (with varying degrees of success) in the process of drafting legislation and decrees. The prominent human rights organization Memorial worked with the offices of the Presidential Human Rights Envoy for Chechnya, and the Government provided security for Memorial's trips to the regions. In July the Moscow Helsinki Group announced the release of its fourth annual survey of human rights conditions in the country. The extensive and detailed report covered human rights problems in all 89 of the country's principal administrative divisions.

There were a variety of regionally based human rights groups. Socioeconomic rights groups were the most numerous; they monitored issues such as unpaid wages and benefits. There were fewer civil-political rights groups, but they included "generalist" organizations that covered the range of human rights issues and "specialist" organizations that covered only one issue. There were also public legal centers that provided legal advice to the general public (*see* Section 1.e.). These centers usually were run on a part-time basis by lawyers who, while they could not afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law. Resources for human rights work were scarce; most groups relied on foreign support in the form of grants to maintain operations.

Regional human rights groups generally received little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. Criticism of a specific political leader in the region (usually the governor or a senior law enforcement official) reportedly was less tolerated. Local human rights groups had far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; some were excluded from the process entirely by local authorities.

During the year, many domestic and international NGOs continued their work in Chechnya despite the threats posed by the ongoing military conflict. Within Chechnya some international NGOs maintained small branch offices staffed by local employees; however, all international NGOs had their bases outside of Chechnya (*see* Sections 1.b. and 1.g.).

The August kidnaping by unknown persons of the head of the Doctors without Borders Mission in the Province of Dagestan, adjacent to Chechnya, remained unsolved at year's end. This event and overall security problems led many NGOs to limit their activities in the north Caucasus region.

In October 2001, the Council of Europe (COE) announced that it had reached an agreement with the Government to extend the mandate of its human rights monitors in Chechnya until the end of the year. Since June 2000, three COE monitors have maintained a presence in the office of the Government's human rights representative in Chechnya, Abdul-Khakim Sultygov. Many human rights activists charged that the COE and the OSCE were ineffective in improving the human rights climate in Chechnya. On December 31, the mandate of the OSCE's Chechnya mission expired and the Government refused to renew it. The mandate of the OSCE mission included "promoting respect for human rights and fundamental freedoms" in the territory. It had frequently criticized the actions of military forces. Foreign Minister Ivanov said the OSCE mission had failed to understand Chechen realities. Other officials stated that the country wished to continue cooperation with the OSCE but that corrections were required in its operations in Chechnya.

The Government's human rights institutions continued to lack independence, but some of them did make efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman, headed by Oleg Mironov, commented on a broad range of human rights issues. Mironov's office had more than 150 employees and had several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. Mironov's role remained mainly consultative and investigatory, without powers of enforcement. By year's end, there were regional human rights ombudsmen with responsibilities similar to Mironov's in twenty of the re-

gions. Human rights committees and ombudsmen existed in other regions as well; however, the effectiveness of the regional ombudsmen and committees varied significantly from region to region. The President's Human Rights Commission, headed by Ella Pamfilova and including a number of human rights activists, remained largely inactive during the year; however, following a meeting with the President where activist members successfully appealed to Putin, a December fact-finding mission of the Commission to the Caucasus region succeeded in limiting involuntary returns of IDPs to Grozny.

Citizens may file appeals to the ECHR about alleged human rights violations that occurred after May 1998, when the European Convention on Human Rights entered into force. Complainants were not required to exhaust all appeals in domestic courts before they could turn to the ECHR but must have exhausted "effective and ordinary" appeals, which usually include two appeals (first and cassation) in courts of ordinary jurisdiction and three (first, appeal, and cassation) in the commercial court system. By October 2001, the ECHR had received more than 7,000 complaints from Russia, including dozens from Chechnya. Many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court's calendar for fuller consideration. In May the ECHR found for Anatoliy Burdov in the case of *Burdov v. Russia*, awarding the applicant about \$3,000 (90,000 rubles) in a case relating to his work during the Chernobyl cleanup in 1986–87.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, social status, or other circumstances; however, both official and societal discrimination persisted.

Women.—Domestic violence remained a major problem, and victims rarely had recourse to protection from the authorities. Police were reluctant and sometimes unwilling to intervene in what they regarded as purely domestic disputes. Many women were deterred from reporting such crimes, not only because of social and family pressure but also because the tight housing market made it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. Much of society, including some leaders in the human rights community, did not acknowledge domestic violence as a problem or did not believe that it was an area for concern outside of the family. No reliable statistics existed to permit evaluation of the true extent of the problem nationwide, and individual jurisdictions varied in their statistical methodology. There was a general lack of understanding of these problems in the legal community, and there was no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. There also was no national political will to consider these problems seriously. Several NGOs expressed serious concern about guidance provided to the new justices of peace—to whom most such cases are expected to be referred—which instructs the justices to reconcile the battered and the batterer and return the victim to the home as soon as possible.

In November 2001, an MVD official estimated that on average there were more than 250,000 violent crimes against women annually; however, government officials and NGOs agreed that such crimes usually were not reported. From January through mid-November 2001, police recorded more than 7,000 crimes of rape (in 2000, 7,900 rape cases were registered for the entire year), and 6,300 other sexually related crimes. The Government provided no support services to victims of rape or other sexual violence; however, victims could act as full legal parties to criminal cases brought against alleged assailants and could seek legal compensation as part of the verdict without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession provided assistance to women who were assaulted; however, to avoid spending long periods of time in court, some doctors were reluctant to ascertain the details of a sexual assault or collect physical evidence.

Prostitution is not a crime, although a 2001 revision of the Administrative Code made prostitution and pimping administrative violations subject to fines (*see* Section 6.f.). Such violations carry financial penalties in the form of fines calculated in multiples of weekly minimum wages. Prostitution carries a penalty of 5 times the minimum wage, or roughly \$100 (3,000 rubles).

Trafficking of women for sexual exploitation or forced labor was a serious problem (*see* Section 6.f.).

Despite serious difficulties, many groups continued to address violence against women. NGOs, alone or in cooperation with local governments, operated more than 55 women's crisis centers throughout the country, and their numbers continued to grow. In addition, the crisis centers have formed an association in order to coordi-

nate their efforts better. Several NGOs provided training on combating trafficking to police, procurators, justices of the peace, and others in government.

Women reported sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The Constitution states that men and women have equal rights and opportunities to pursue those rights. The new Labor Code retains from the previous Code prohibitions against discrimination, stating that every person has the right to equal pay for equal work; however, the phrase, "without complexes," is used occasionally in job advertisements (see Section 6.b.). Some firms asked applicants for employment to complete a form including the abbreviation "VBO," a Russian-language abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no." There was no law that prohibits sexual harassment, and women have no recourse when sexually harassed.

Job advertisements often specified sex and age groups and sometimes physical appearance as well. Credible evidence suggested that women encounter considerable discrimination in employment. NGOs continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforced employment laws concerning women. Employers preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also tried to avoid the entitlement to a 3-year maternity leave for childcare, which can be used in full or in parts by the mother, father, relative, or trustee providing the actual childcare. During this time, the employer must retain an employee's place of work and continue to fund applicable social benefits. Moscow human resources managers privately admitted that discrimination against women in hiring was common. There also was a trend toward firing women rather than men when employees are laid off. Women were subject to age-based discrimination. While no official statistics were available, government officials estimated that of the 7.5 percent of the workforce unemployed in late August, at least 70 percent were women.

Women continued to report cases in which they were paid less for the same work that male colleagues perform. According to a 2001 report by the International Labor Organization (ILO), women accounted for about 47 percent of the working-age population but on average earned only two-thirds of the salaries of their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men. Women also tended to work in industries where market reforms remained weak and wages low, such as the textile and defense sectors, while men increasingly took jobs in the fast-growing, more profitable, financial and credit sectors where wages were substantially higher.

Children.—The Constitution assigns the Government some responsibility for safeguarding the rights of children, and the State endeavored to provide, within its limited means, for the welfare of children. A Family Code regulates children's rights and marriage and divorce issues. The educational system includes both private and public institutions. Children have the right to free education until grade 11 (or approximately 17 years of age), and school was compulsory until the 9th grade. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied school access to the children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 2.d.).

Under the law, health care for children is free; however, the quality varied, and individuals incurred significant out of pocket expenses. According to a UNICEF survey, children of IDPs from the Chechen conflict suffered disproportionately from chronic anemia and had a low rate of vaccinations due to the collapse of local health and education systems as a result of the conflict.

No reliable statistics existed on the extent of child abuse; however, anecdotal evidence indicated that child abuse was a problem.

The status of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. An estimated 50,000 children run away from home each year. The main reasons for this reportedly were family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year were brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stayed in COVINA for no more than 30 days. During this period, the child's case was investigated and his or her guardian was located; however, in 90 to 95 percent of these cases, the police simply returned the children to their families or to the institution from which the children ran away. Many officials considered domestic problems private affairs and preferred not to interfere.

Trafficking in children was a problem (see Section 6.f.).

Figures for homeless children were unreliable. The Russian Children's Fund estimated in 2001 that there were some 2.5 million homeless children, although other estimates reached as high as 4 million; scientific studies used differing methodologies to count street children. In 2000 the ILO International Program on the Elimination of Child Labor (ILO/IPEC) estimated that there were 10,000 to 16,000 working street children in St. Petersburg, although only 1,000 to 2,000 were believed to be homeless. Most still had social ties to their family, school, or orphanage and only lived on the street part-time. Similar studies in Moscow in 2001 indicated that 30,000 to 50,000 working street children lived in the capital. Studies in the two rural districts of Vsevolozhsk and Priyozersk in the Leningrad Oblast were less conclusive, but suggested that the problem of working street children also existed outside the country's industrial centers. In addition, there were approximately 3,000 young persons aged 18 to 24 in Leningrad Oblast, most of them discharged from state institutions and given state housing, who had difficulty maintaining a residence and adapting to noninstitutional life in general. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the street turned to or were forced into prostitution in order to survive (see Section 6.f.).

In the St. Petersburg region, local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. Perspektiva worked with children and medical personnel in an orphanage for children with disabilities in Pavlovsk. Bereg ran a shelter and offered training programs to children and social workers. Citizens' Watch conducted seminars on legal and social aspects of the problem.

Attention continued to focus on the status of orphans and those children with disabilities who have been removed from mainstream society and isolated in state institutions. Recent statistics on the number of orphans, institutionalized children, and adoptions during the year were not available. A complex and cumbersome system was developed to manage the institutionalization of some children until adulthood; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Observers concluded that rather than focus on the needs of the children, the system revolved around the institutions. The welfare of the children was lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were provided for poorly (often because funds are lacking) and in some cases were abused physically by staff. Life after institutionalization also posed serious problems, as children often lacked the necessary social, educational, and vocational skills to function in society. While there were no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups compiled some important information.

Although comprehensive statistics were not available, the prospects for children and orphans who had physical or mental disabilities remained extremely bleak. The most likely future for severely disabled children was a lifetime in state institutions. The label of "imbecile" or idiot, which was assigned by a commission that assesses children with developmental problems at the age of 3 and which signified "uneducable," almost always was irrevocable, and even the label of "debil"—lightly retarded—follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. A study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that on graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provided little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded or who are abused or neglected while in state institutions. Facilities to which such children were remanded frequently used unprescribed narcotics to keep children under control.

The Rights of the Child Program has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification, and the Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights ombudsmen. In 2001 the Moscow city Duma created the position of ombudsman for children's rights. According to the Ministry and the Rights of the Child NGO, there were ombudsmen in the cities of

Yekaterinburg and St. Petersburg, and in the regions of Arzamas Volkskiy, Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. Ombudsmen may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (*see* Sections 1.c. and 1.d.).

Reportedly troops in Chechnya placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy platok) reported that some federal forces engaged in the kidnapping of children in Chechnya for ransom.

According to a December report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives.

Persons with Disabilities.—The Constitution does not address directly the issue of discrimination against persons with disabilities. Although laws exist that prohibit discrimination, the Government did not enforce them. The meager resources that the Government devoted to assisting persons with disabilities were provided to veterans of World War II and other conflicts.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them. The law also removed language defining an "invalid" as a person unable to work; however, the Government has not implemented this law. Some persons with disabilities found work within factories run by the All-Russian Society for persons with disabilities; however, the majority were unable to find employment. Local authorities, private employers, and tradition continued to discourage persons with disabilities from working, and they were usually forced to subsist on social benefits.

Special institutions existed for children with various disabilities but did not serve their needs adequately due to a lack of finances. Being a child with disabilities remained a serious social stigma, an attitude that profoundly influenced how institutionalized children were treated. Many children with physical or mental disabilities, even those with only minor birth defects, were considered uneducable. Parents wishing to enroll a child in ordinary secondary schools in Moscow were obliged to produce a medical certificate affirming that the child was in perfect health. Families with children with disabilities received extremely low state subsidies that have not changed to reflect inflation since the Soviet era.

The Government did not mandate special access to buildings for persons with disabilities, and access to buildings was a problem. The NGO Society for the Defense of Invalids continued to work to broaden public awareness and understanding of problems concerning persons with disabilities by conducting workshops, roundtables with public officials, and training programs for persons with disabilities.

Indigenous Persons.—The law provides for the support of indigenous ethnic communities, permits the creation of self-governing bodies, and permits them to seek compensation if economic development threatens their lands. In some areas, local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia and the people of the North (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed that they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained the distribution of necessary supplies and services, particularly in the winter months for those who live in the far north, and disputed claims to profits from exploitation of natural resources.

Some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Responsibility for government policy toward indigenous people has been transferred between government agencies several times in earlier years. After the President abolished the Ministry of Federation Affairs, Nationalities, and Migration Policy in October 2001, he appointed a new minister without portfolio to coordinate nationalities policy.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination on the basis of nationality; however, Roma and persons from the Caucasus and Central Asia faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions. The Constitution also makes provision for the use of national languages in the various sub-divisions alongside the official Russian language and states that each citizen shall have the right to define his or her

own national identity and that no citizen shall be required to state officially his or her nationality.

New federal and local measures to combat crime were disproportionately applied against persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Law enforcement authorities also targeted such persons for deportation from urban centers. Authorities in Moscow subjected dark skinned persons to far more frequent document checks than others and frequently detained them or fined them amounts in excess of permissible penalties. Police often failed to record infractions by minorities or issue a written record to the alleged perpetrators. In the autumn of 2001, more than 100 Roma were expelled forcibly from the Krasnodar region to Voronezh. Chechen IDPs and the Civic Assistance Committee for Migrants reported that Chechens continued to face great difficulty in finding lodging in Moscow and frequently were forced to pay at least twice the usual rent for an apartment. Although Mayor Luzhkov ruled out a crackdown on the Chechen population in the city following mass hostage seizures at a Moscow theater human rights monitors reported in November that hundreds of ethnic Chechens were detained in sweeps across Moscow and that acts of discrimination against them increased (*see* Section 1.g.).

The multiethnic population was made up of more than 100 national groups. Many of the 89 subdivisions or "subjects" of the federation were formed on the basis of the subdivisions' predominant ethnic group. For example, the Republic of Chuvashiya is the homeland of the Chuvash people, who make up 68 percent of the Republic's population. During the year, the President and other prominent officials issued numerous declarations regarding the multiethnic nature of the country and calling for tolerance. Nonetheless, there were numerous racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, and were carried out by private individuals or small groups inspired by racial hatred. Some of the attackers were known to local law enforcement authorities for their racial intolerance or criminal records. For example, during the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups. Police made few arrests, although many such cases were reported by human rights organizations. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or to report indifference on the part of police.

Several incidents against resident Indian businesspeople and African students, as well as other crimes against foreigners, including diplomats, suggested that this remained a serious problem in St. Petersburg. In August Aleksandr Gudz, head of the International Affairs Department of the St. Petersburg police, stated that crimes against foreigners in that city had fallen by 10 percent compared with 2001. Gudz asserted that violence by skinheads was not a problem in St. Petersburg as a result of successful police monitoring of such groups.

On September 13, however, approximately 20 skinheads used sticks and knives to kill a vendor from Azerbaijan as he sat by his watermelon stand in St. Petersburg. The attack was apparently unprovoked. Although police did not catch any suspects at the scene, they conducted a roundup of known skinheads in the area, which led to the detention of two people allegedly involved in the incident. Police also reportedly found evidence that the incident had been planned, and claimed to have found a video recording of the attack. At year's end, the investigation was continuing. On September 30, a group of young men attempted to attack two Azerbaijani traders in St. Petersburg, but the men locked themselves inside their kiosk. The young men then attacked and injured an ethnic Russian private security guard. The militia initiated a criminal investigation. In November 2001, Moscow police arrested a 16-year-old suspect and charged him with the August killing of Massa Mayoni, a 16-year-old asylum seeker from Angola. The charges were later reduced from murder to hooliganism.

Five men were convicted on November 20 for their part in the violent incident in a marketplace near the Tsaritsyno metro station in Moscow in October 2001. An estimated 100 to 300 youths from Moscow's southern neighborhoods kicked and beat dozens of persons with metal bars during the incident; almost all of the victims belonged to ethnic groups from the Caucasus and Central Asia. At least three persons died as a result of the attack: A 17-year-old ethnic Tajik, a 17-year-old ethnic Azeri, and a 37-year-old Indian national.

The Ministry of Justice reported that in 2000, 17 crimes were investigated under laws barring acts of incitement to national, racial and religious hatred. Of these, eight were taken to court, but a Duma Deputy later asserted that there was only one conviction. The statistical department of the Supreme Court reported that as

of July 1 the Procuracy had brought five such cases to court, but none of the accused was convicted. On the other hand, the Procuracy General reported that 37 cases had been opened as of November 2001.

Human rights observers reported that the authorities have been particularly hostile toward certain minority groups in the Province of Krasnodar Kray. The Kray has been home to large numbers of ethnic minorities for decades but has experienced considerable immigration and domestic migration in recent years (see Section 2.d.). According to Memorial, Krasnodar Governor Aleksandr Tkachev in a March speech promised a group of regional and municipal officials that he would create “unbearable conditions” for “illegal migrants” (see Section 2.d.), and there were unconfirmed reports that the Krasnodar government provided funding to paramilitary Cossack groups, some of which were said to be brutally repressive toward such groups.

In its local legislation, the Republic of Bashkortostan names Bashkiri and Russian as its two official languages and excludes Tatar despite the fact that Tatars constituted 30 percent of the population and outnumber the Bashkirs. An appeal by the legislature of the neighboring Republic of Tatarstan to make Tatar an official language was rejected.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join trade unions; however, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 56 percent of the work force (an estimated 72 million workers) was unionized, and approximately 3 to 4 percent of union members belonged to independent free trade unions. Union membership overall has fallen in recent years as a result of economic restructuring, including the closing of some enterprises and a resistance by some domestic and foreign companies to trade union activities.

The FNPR claimed that approximately 80 percent of all workers belonged to the FNPR, although approximately 50 percent appeared to be a more accurate estimate. The FNPR largely dominated the union movement and provided a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its Soviet predecessors, including office and recreational property. The majority of its income came from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses. The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were affiliated closely with local political structures. Political parties often cooperated with unions, for example, in calling for a national day of protest.

In January 2001, a new Tax Code became effective, which included a single social tax and essentially ended trade union control over the distribution of social benefits at the federal level; however, as the owner of many service facilities and the largest group of unions, the FNPR continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child subsidies and vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Trade unions maintained that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees increased during the year, although the enforcement of these court decisions remained a problem in many cases. Employees tended to win their cases in court but only if they were prepared to appeal, normally a time-consuming and lengthy process. Many remained reluctant to do so. Most workers did not understand or have faith in the legal structure and feared possible retaliation. Lengthy delays were common: A court decision on compensation for wage differentials in the 1998 Ust-Ilimsk air traffic controllers union case, remained pending at year's end. Prospects for resolving the case appeared unlikely as the company was liquidated during the summer. In early 2001, a Moscow municipal court ordered the All-Russian Television and Radio Company (VGTRK) to reinstate and pay lost wages to an employee and a member of the independent trade union “Efir” after the court determined that the employee had been laid off illegally. Upon his reinstatement, however, the employee was not allowed to resume his normal duties and continued to lose wages. In August 2001, the employee again filed a suit against his employer, but the court dismissed the case, claiming that it had not been filed correctly. The

employee has appealed the court's dismissal and a final decision on the case is still pending.

There is a history of company management and FNPR local unions working together to discourage the establishment of new unions. Many of these cases remain unresolved. In the fall of 2000, an independent trade union at the Revda Children's Music School initiated collective bargaining negotiations with management, which refused to conclude an agreement. In October 2001, the union filed suit against management, calling on them to resume negotiations. During the hearing at the Revda municipal court in December 2001, one of management's witnesses was the Chairman of the rival FNPR-affiliated union operating at the school. The Chairman had participated in the collective bargaining negotiations on the side of management. The court ruled in favor of management and dismissed the case. An appeal by the union was pending at year's end.

In July a new Law on the State Registration of Legal Entities became effective. Registration procedures for NGOs under the new law require that local departments of the Ministry of Justice check all articles of charter documents for compliance with existing laws. These documents are then submitted to the appropriate level of the Ministry of Taxation, which enters the organization into the state registry; however, registration procedures for trade unions are governed also by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. It remained unclear how these two laws would be implemented.

In the past, local departments of the Ministry of Justice throughout the country ignored the procedures set out by the Law on Trade Unions and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. Such practices prevented the registration of new unions or the re-registration of existing ones. Although founding documents were filed with the Sverdlovsk local Ministry of Justice in 1999, the Berezovskiy Association of Free Trade Unions had yet to be registered. Local Ministry of Justice officials demanded additional documents, including protocols from union meetings and lists of meeting participants, which are not required by law.

Other unions experienced similar problems. During a January hearing concerning a suit filed by the VGTRK against the independent trade union "Efir" (separate from the case mentioned previously), the prosecutor demanded that the union annul five articles in its Charter that allegedly contradicted federal law. The union requested that the case be dismissed on the grounds that the Constitution prohibits interference with union activities, as does the Law on Trade Unions and ILO Convention No. 87, and that the suit was filed illegally. The union subsequently appealed the case to the Moscow municipal Supreme Court, which dismissed the suit against the union during the summer.

The new Labor Code (*see* Section 6.b.) includes references to the Russian word "pervichnaya" (local, or grass root), regarding organizations or trade unions that can represent workers' rights at the enterprise level. According to labor experts, "pervichnaya" is a term that refers to the lowest part or grass roots level of a structure. Such organizations are structurally dependent on a higher union body. By restricting the authority to represent workers at the enterprise level to entities that are structurally dependent on higher union bodies, the new Labor Code restricts the ability of workers to determine their own union structures. These labor experts view this as a clear violation of freedom of association principles (ILO Convention No. 87).

The new Labor Code and Trade Union Law specifically prohibit antiunion discrimination; however, antiunion discrimination remained a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In late 2001, a bus conductor and chairman of an independent local union of transportation workers in Yekaterinburg was fired after management at her transportation depot accused her of selling tickets twice and taking the proceeds. In May a municipal court found her not guilty and demanded management reinstate and compensate her for wages lost and punitive damages. In January a Voronezh municipal court ruled that an employee of the Block Construction Factory had been laid off illegally in January 2000. In this case, the court also ruled that the employee be reinstated and compensated for wages lost and punitive damages; however, membership in the union that the employee had been building at the factory when she was laid off dropped to almost nothing in her absence.

Unions may freely form federations and affiliate with international bodies. There were several national and regional free trade union structures including the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT).

In November 2000, the International Confederation of Free Trade Unions (ICFTU) accepted as members the KTR, the VKT, and the FNPR.

b. The Right to Organize and Bargain Collectively.—The new Labor Code, which went into effect on February 1, gave employers more flexibility in dealing with labor relations. It retained the right of collective bargaining, although this right had not always been protected in the past. Under the new Code, collective bargaining agreements remained mandatory if they were requested by either the employer or employees. Both sides were obligated to enter into such negotiations within 7 days of receiving a request, and the law set a time limit of 3 months for concluding such agreements. Any unresolved issues were to be included in a protocol of disagreement, which could be used for initiating a collective labor dispute.

Despite these requirements, employers continued to ignore trade union requests to negotiate collective bargaining agreements. Early in the year, an independent trade union at School No. 26 in Petropavlovsk-Kamchatskiy called a conference of the worker's collective to elect delegates to a collective bargaining negotiating team. The school's director reportedly interrupted the proceedings and instructed the employees to go home. At year's end, the employer had not agreed to collective bargaining negotiations.

The Government's role in setting and enforcing labor standards was diminished under the new Labor Code, and trade unions were expected to play a balancing role in representing workers' interests. However, observers criticized what they consider to be weaknesses in the proposed regime, including the absence of clear enforcement mechanisms to ensure that an employer engages in good faith collective bargaining and other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. For example, if more than one trade union is represented at an enterprise, the new Code calls for the formation of a joint body based on proportional representation to select a single representative body for workers during the collective bargaining negotiations. If the unions fail to agree on such a body within 5 days, the trade union representing the majority of workers at the enterprise is given the right to represent all workers during these negotiations. While minority unions retain their seats at the negotiating table with the right to join the negotiations up until the actual signing of an agreement, labor experts say the above measures could encourage larger trade unions to obstruct the formation of a negotiating team to ensure their designation as exclusive bargaining agents.

Labor experts also were concerned about a number of other provisions of the Code and suggested that the approach to implementation of the new Code would be crucial. The stipulation that there may be only one collective agreement per enterprise, covering all employees, could limit the ability of professional or "craft" unions (the majority of new unions in the country) to represent their members' interests. The Code also appears to restrict the possibility of concluding a nation-wide agreement at an occupational or professional level (in view of the broad definition of industry in the country) that would address concerns limited to a single profession or occupation. There also was a risk that existing unions would be dominated by employers under the new labor relations scheme, particularly in industries with oligopolistic structures.

Collective bargaining agreements had been registered officially by an estimated 16 to 18 percent of enterprises; however, the FNPR claimed that approximately 80 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared in part due to agreements that were concluded but not registered with the Ministry of Labor. Under the new Labor Code, collective bargaining and wage agreements must be registered within 7 days of signature by all parties to the agreement; however, there are no sanctions in the event that a collective agreement is not registered. The new Code states that collective agreements become effective upon signature, regardless of whether they are registered or not. As in the previous Code, there was some ambiguity concerning the employer's legal identity, which has made collective agreements ineffective in the past. This lack of clear identification under the law has made tripartite wage agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement was signed, employers often claimed that the "employer representative" was not authorized to represent the factory involved.

The Moscow Labor Arbitration Court handled the increasing number of labor violations and disputes registered each year. Ministry of Labor officials estimated that there were just over 2 million labor violations in 2001. The court is a pilot project and is expected to lead to a system of similar arbitration courts in various regions. However, a shortage of resources has limited the creation of additional courts.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal, because the procedures for

disputes were exceedingly complex and required the coordination of information from both sides, even before courts became involved, and civil courts could review strikes to establish their legality. The new Labor Code includes further limits on workers' and trade unions' ability to conduct strikes. Approval by a majority of participants to a conference composed of at least two-thirds of all workers at an enterprise, including management, is needed, whereas previous legislation only required a quorum of workers.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees cannot strike. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached—which is often the case—the local executive authority simply decrees the minimal services, and often sets them at approximately the same level as the average workload. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes were organized by strike committees rather than by unions. There were no prolonged strikes during the year. Overall strike activity remained relatively low, with only 80 strikes officially registered during the year. Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages was not recognized as a strike. Individuals were thus not protected by the labor law's provisions against being fired while on strike.

The law bans strikes in the railway and air traffic sector, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions sometimes resorted to other forms of protest such as rallies, days of action, or hunger strikes. In early May, management at the Zleznodorozhnyi railway depot in the Moscow Oblast filed suit over the legality of a strike by a railway workers' union, arguing that the action endangered the general population and the decision to conduct a strike was not approved by a general meeting of all employees at the depot. While the court did rule the strike illegal, the court also reprimanded depot management for causing the strike by refusing to participate in the resolution of the collective labor dispute that provoked the strike. On December 25, the Transportation Ministry reached an agreement on increased wages with the Air Traffic Controllers' Union of Russia (FPAD) and the Union of Aviation Radio and Navigation Workers (PAR-RIS) that succeeded in ending a hunger strike, which had begun on December 22. The strike affected air traffic at some 304 airports in Russia.

Reprisals for strikes were common, although strictly prohibited by law. In 2001 a union of elevator maintenance employees in Tyumen conducted strikes in January and April and succeeded in gaining delayed wage payments and higher salaries from management at the elevator. However, immediately after the second strike, management reorganized operations at the elevator and demanded that all of the 250 members of the union sign new 1-year contracts in order to retain their positions. Union leadership succeeded in convincing only 38 members that such actions were not standard procedures during a reorganization. The remaining union members terminated their full-time status and also lost all the wage guarantees gained during the strike. Union membership at the elevator dropped to only 70 members.

The 1999 killing of Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, remained unresolved. There were no reports to indicate that the authorities were actively pursuing an investigation.

Company management has sought to break up unions that conducted strikes by means of the reorganization of enterprise operations. For example, labor disputes between a local independent union of dock workers (RPD) and management at the Kaliningrad Port date back to October 1997. Following an unsuccessful strike, management restructured the port, creating a second legal entity and transferring all cargo movement to it. Workers who agreed to leave, or did not join, the union were transferred to the new unit, which provided improved conditions, and most of the remaining union members were subsequently fired. Legal maneuvers have continued on both sides, with the management refusing Court rulings in favor of the union, which has filed a case with the ILO.

In December the Government refused to permit the longtime director of the Solidarity Center, an NGO that provides technical assistance and training to workers and promotes cooperation among labor, management and government, to reenter the country. The director was a foreigner who had been resident in Russia for more than 10 years. The refusal apparently was related to her activities in support of labor actions.

There were no export processing zones. Worker rights in the special economic zones and free trade zones were covered fully by the new Labor Code and were the same as in other parts of the country.

c. Prohibition of Forced or Bonded Labor.—The new Labor Code prohibits forced or bonded labor, including late or incomplete wage payments (see section 6.e.); however, there were instances of the use of forced or bonded labor (see Section 6.f.). There continued to be credible reports that significant numbers of foreign workers from other countries of the former Soviet Union were forced to work without pay because their passports were held by firms that brought them into the country. There were reports that approximately 4,000 North Koreans were brought into the country to work in the construction and timber industries in the Far East, with salaries remitted directly to their government. Amnesty International charged that a 1995 Russian-North Korean bilateral agreement allows for the exchange of free labor for debt repayment, although the Government claimed that a 1999 intergovernmental agreement gave North Korean citizens working in the country the same legal protections as citizens.

Military officers reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of “selling” soldiers to other officers with a military need for personnel or to perform such private activities as building private dachas constituted forced labor. Such abuses were often linked to units in the Northern Caucasus military district. The largest single group of such complaints the USMC received between January and September 2001 concerned the Ministry of Internal Affairs.

The Labor Code prohibits forced or bonded labor by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Parents who begged in underpasses and railway stations of larger cities often had their children approach passersby. ILO reports on working street children in St. Petersburg, Moscow, and Leningrad Oblast indicated that some of these children give their parents the proceeds from their begging.

d. Status of Child Labor Practices and Minimum Age for Employment.—The new Labor Code retains prohibitions against the regular employment of children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work; however, the Ministries of Labor and the Interior, which are responsible for child labor matters, did not enforce these laws effectively. Children could, under certain specific conditions and with the approval of a parent or guardian, work at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Federal Labor Inspectorate, under the auspices of the Ministry of Labor, was responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2001 the Labor Inspectorate reported approximately 12,000 cases of child labor violations. There was no reliable information on the number of cases in which an employer or organization was prosecuted for violating laws on child labor. Local police authorities were responsible for conducting inspections of organizations or businesses suspected of violating child labor laws; however, in practice investigations only occurred in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. Nonetheless, the transition from a planned to a market economy has been accompanied by drastic economic, political, and social changes, including an increase in the number of children working and living on the streets. This was largely due to a deterioration in the social service infrastructure, including access to education and health care (see Section 5). In some cases, economic hardship has undermined traditions and social customs and eroded the protection families traditionally provided to children. Children often were used by their parents to lend credence to their poverty when begging. Homeless children particularly were at risk for exploitation in prostitution or criminal activities (see Section 6.f.). There were no effective sanctions against persons using the labor of children in prostitution and pornography.

On December 25, the Duma ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The new Labor Code states that the monthly minimum wage, which was approximately \$14 (450 rubles), should not be less than the monthly official subsistence level of \$60 (1,893 rubles), which is not sufficient to provide a decent standard of living for a worker and family. Average wages decreased to \$141 (4,426 rubles) per month during the year compared with \$143 (4,657

rubles) per month during 2001. Separate legislation is still needed to determine the timeframe for raising the monthly minimum wage to the monthly subsistence level. Approximately 27 percent of the population had incomes below the official subsistence minimum; however, most workers received several times the monthly minimum wage, and the monthly minimum wage was essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits; it was not a number used for real salaries. Enterprises often used this number to avoid taxation by reporting the number of employees paid at the monthly minimum wage instead of reporting actual salaries. Studies have shown that over 30 percent of private sector employees earned more than their registered wage and that 10 percent of this group actually earned at least 6 times the official wage level. In addition, much of the population continued to reside in low-rent or subsidized housing and received various social services from enterprises or municipalities.

The new Labor Code retains a standard workweek of 40 hours, with at least one 24-hour rest period, and requires premium pay for overtime work or work on holidays; however, workers have complained of being required to work in excess of the standard workweek (10- to 12-hour days are common), of abrogated negotiated labor agreements, and of forced transfers.

Although the incidence of nonpayment of wages declined, it continued to be the most widespread abuse of labor legislation, especially for workers in education, research, and medicine. Under the new Labor Code, employers must pay penalties for late or partial payment and are required to pay two-thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer is at fault, however, was difficult. While the overall problem of nonpayment of wages continued to diminish, total wage arrears at year's end totaled \$960 million (30.6 billion rubles). Although some enterprises still forced their employees to take wages in barter, the practice continued to decrease.

An increasing number of workers who were owed back wages sought relief through the court system, but the process was lengthy. Courts often were willing to rule in favor of employees, but the collection of back wages remained difficult. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also made the process lengthier and more difficult for the affected workers and exposed them to possible retaliation (*see* Section 6.b.). The practice of removing the names of workers who won judgments for back wages, but did not yet receive the wages, from the list of those permitted to buy food on credit from the company store continued.

A lack of labor mobility continued to be a problem. For various reasons, many workers were not able to move to other areas of the country in search of work. Many were constrained economically because their savings were destroyed by past inflation and the nonpayment of wages. Freedom to move in search of new employment was limited further by the system of residency permits which, although unconstitutional, was still in use in cities such as Moscow and St. Petersburg (*see* Section 1.d.). Other workers effectively were tied to enterprises that could only give them credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturned the enterprises' decisions to lay off workers who were not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers.

The law establishes minimum conditions for workplace safety and worker health; however, the Federal Labor Inspectorate within the Ministry of Labor lacked the financial and human resources to enforce these standards effectively. Workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, and smoking was permitted near containers of flammable substances. Funds remained limited for safety and health in the workplace.

The new Labor Code provides workers with the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition, workers were entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions; however, the pressure for survival often displaced concern for safety, and the risk of industrial accidents or death for workers remained high, although reliable statistics on accident and death rates at the workplace were not available. Miners were known to remove the supports from mineshafts and sell them for scrap metal, while doctors and nurses sold health and safety equipment at hospitals to patients'

families in order to supplement salaries that often remained below the minimum subsistence level.

In late 2001, a train engineer at the Zheleznodorozhniy railway depot in the Moscow Oblast was disciplined and denied a bonus for refusing to climb on top of a train car to inspect its condition. Routine roof checks at the depot were generally performed by staff who were equipped with special safety gear to protect them from live electrical wires and possible falls from the 15-foot-high cars; however, management required train engineers to perform this task when on the road, since internal railroad safety regulations did not list such tasks as dangerous. On the other hand, inter-industrial safety regulations included this task among dangerous occupations. The train engineer subsequently filed a suit against management; however management refused to appear, and the case was settled out of court.

Foreign workers residing and working legally in the country were entitled to the same rights and protections provided to citizens under the law. Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports that several thousand Ukrainians and Belarusians were living and working illegally in Moscow and other larger cities for significantly lower wages than Russian workers and under generally poor conditions. The Labor Code prohibits forced or compulsory labor; however there were reports that foreign workers were brought into the country to perform such work (see section 6.c.).

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and although other provisions of the law may be used to prosecute traffickers, trafficking in women and children was a problem. There were no reliable estimates of its scope, but observers believed that trafficking was widespread. There were reports that the corruption of government officials facilitated trafficking.

Although no specific legislation addresses trafficking, several articles of the Criminal Code may be used to prosecute trafficking effected by force. For example, the law provides for a punishment of up to 5 years' imprisonment for the unlawful violation of the country's borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence." The law prohibits forcing a person into sexual activity, drawing a person into prostitution by force or threat of force, and organizing and maintaining a house of prostitution. The law punishes those who use forged documents to smuggle persons across a border; crossing the country's borders without required documentation is punishable by a fine or imprisonment of up to 2 years; however, under the law, it was extremely difficult to prosecute a trafficker who persuades an adult victim to leave the country with him voluntarily, even for purposes of prostitution. It is much easier to prosecute a trafficker of minors, although the age of consent is 14. Prostitution is not a crime, although a 2001 revision of the Administrative Code made prostitution and pimping administrative violations (see Section 5). Fraud was the most frequent basis for prosecuting traffickers; however, the Government rarely investigated or prosecuted cases of trafficking of adults. Using fraud laws, Republic of Kareliya authorities attempted to prosecute individuals who trafficked young women to the United States. Republic authorities were unable to establish that the company concerned knew that the women would be defrauded once they were in the United States. The authorities consider that most of the illegal activity such as forced labor, sexual abuse, and deprivation of wages, takes place outside the country's borders and therefore is not within their jurisdiction.

Law enforcement bodies took the trafficking of children more seriously. In 2001, with the help of foreign law enforcement agencies, authorities were able to break up three major domestic child pornography rings during the year, which the police believed victimized hundreds of children.

The Russian Federation was a country of origin for trafficking in persons, particularly in the trafficking of women. Women reportedly were trafficked to European Union countries, the Middle East, Asia, and the United States. For example, reportedly 15,000 women and children were trafficked into "sex slavery" in China. Some believed that fraud statutes could be used as a basis for the prosecution of those who arrange for the contracting and transportation of the victims but also that an international cooperative law enforcement investigation would be required to establish such a link, an effort beyond the capacity of many local law enforcement organs. Efforts to prosecute such cases in Kareliya ended in acquittals. The country also served as a transit and destination country for women trafficked from the Caucasus and Central Asia to Western Europe. There were reports that women from Tajikistan, Ukraine, and other countries of the former Soviet Union were trafficked to Russia. There also were reported cases of Korean women trafficked to the country. NGOs alleged that organized crime increasingly was involved in trafficking in women and children, but reliable data were not available.

According to U.N. statistics, 63 percent of the registered unemployed were women, and many women were single parents facing a sharp decrease in social services since the end of the Soviet welfare state. These factors rendered increasing numbers of women from all educational backgrounds vulnerable to traffickers. Advertisements offering high-paying jobs abroad to young and attractive women were extremely common. MVD officers reported that most traffickers were criminal groups recruiting under the guise of employment agencies. Many traffickers placed ads in newspapers or public places for overseas employment; some employed women to pose as returned workers to recruit victims; some placed Internet or other ads for mail order brides; some were recruited by partners or friends. Women responded to such advertisements, usually paying their traffickers a fee for the service, for visa assistance, for their tickets, and often for other expenses. Upon arrival they are deprived of their travel and identification documents, and often all other personal effects, and forced to work in prostitution and other industries. Victims also were threatened with violence and told they were in violation of local law in order to frighten them away from local law enforcement agencies. They were isolated linguistically and removed from their social and family support systems, rendering them totally dependent upon their traffickers.

According to credible media reports, some employers forced workers from countries of the former Soviet Union—such as Uzbekistan—to work without pay. Employers or the individuals who brought the workers into the country withheld the workers' passports or other documentation and threatened them with exposure to law enforcement or immigration authorities if they demanded payment. At times the recruiter demanded part or all of the worker's wages to avoid deportation.

There were reports that children were kidnapped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of body parts. When police investigated such cases, they sometimes found that these children were adopted legally by families abroad; however, there were confirmed cases of children trafficked for sexual exploitation. National law enforcement authorities believed that there was a brisk business in body parts, but international law enforcement and other organizations found no evidence to support this claim. Trafficking also was alleged to occur within the country's borders in the form of transport of young women from the provinces to the major cities to work as strippers and prostitutes. The more remote and impoverished the region the more vulnerable persons were to enticement. Many believed that these young women became involved voluntarily in prostitution; however, police confirmed that there was an element of coercion involved in prostitution that involved organized criminal groups. Men also reportedly were trafficked for their physical labor.

There were reports that individual government officials took bribes from individuals and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agreed that often some form of document fraud was committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption. The penalty for violating border laws with fraudulent documents was up to 3 years. The penalty for taking bribes was 3 to 7 years. Those who were charged with more than one crime received heavier sentences.

Government officials at the highest level, and most law enforcement agencies, acknowledged that a trafficking problem exists. Law enforcement bodies took no specific measures to prevent the export of women for the purpose of sexual exploitation. The belief that women were aware of the risks involved but choose to go anyway was pervasive. Criminal prosecution generally followed cooperation with international law enforcement structures. The MVD believed that the problem of trafficking in persons was primarily the responsibility of the Ministry of Foreign Affairs and consular services abroad. In October 2001, President Putin transferred responsibility for migration and immigration issues, including trafficking, to the MVD. Interior Minister Gryzlov oversaw a commission to develop programs for addressing problems including trafficking. The MVD, the FSB, and the Procuracy sought to cooperate with foreign governments on ways to combat trafficking, and law enforcement agencies participated in foreign-funded training programs; however, these agencies were not optimistic about reversing the trend through law enforcement alone. They all stated that better legislation was necessary before any law enforcement response was possible.

NGOs claimed that Russian consular officials abroad refused to help trafficked women. The MFA confirmed that it had no policy on assistance to victims of trafficking and was working to create appropriate guidance. Victims rarely filed complaints against the agencies that recruited them once they returned to the country,

reporting that fear of reprisals often exceeded their hope of police assistance. Law enforcement authorities acknowledged that they rarely opened a case following such complaints because often no domestic law was broken, and law enforcement authorities are evaluated according to the number of cases they close.

There were no government initiatives to bring trafficking victims back to the country. Unless deported by the host country, women had to pay their own way home or turn to international NGOs for assistance. Women reported that without their documentation, which was often withheld by traffickers, they received no assistance from Russian consulates abroad. The Government did not provide direct assistance to trafficking victims. Victims of trafficking could turn to a crisis center or other NGOs that render assistance to female victims of sexual and other kinds of abuse (*see* Section 5). Many of the more than 55 crisis centers and anti-trafficking NGOs throughout the country provided information on trafficking and some provided assistance. NGOs that were members of the "Angel Coalition" claimed to have rescued a few women and have assisted several trafficking victims to reintegrate upon return to the country. These NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. The Duma Committee on Legislation also sought the input of NGOs in its project to develop anti-trafficking legislation. Some foreign-funded crisis centers, such as the Anna Crisis Center in Moscow and the Women's Center in the Republic of Kareliya, provided psychological consultations for trafficking victims. In September a new center, partially funded by the Lutheran Church, opened in St. Petersburg to provide help to victims of trafficking. NGOs continued their activities in the areas of public education and victim support. For example, during the year, with the assistance of Winrock International, 28 NGOs in 12 cities of the Far East and Siberia provided economic empowerment training to 900 women in an effort to prevent trafficking.

SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council—GGC) selects two of its members to serve as the Captains Regent (co-Heads of State). Captains Regent preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State) also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The judiciary is independent.

Elected officials effectively controlled the centralized police organization (the Civil Police), which was responsible for internal security and civil defense; the Gendarmerie, a military group that was responsible for internal security and public order; and the Guardie di Rocca, a military group that was responsible for external defense and occasionally assisted the Gendarmerie in criminal investigations.

The country had a total population of approximately 25,000. The principal economic activities were tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derived revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian government under the terms of the Basic Treaty with Italy.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Some remnants of legal and societal discrimination against women remained, particularly with regard to the transmission of citizenship. San Marino was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Male prisoners were held separately from female prisoners, as were juveniles from adults and pretrial detainees from convicted prisoners. The Government permitted visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system requires that the country's lower court judges be noncitizens, with the aim of assuring impartiality; most lower court judges are Italian. A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four of whom are replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

Access to the Internet was unrestricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention or its 1967 protocol. Asylum or refugee status is granted by an act of the Congress of State; however, the Government did not formally offer asylum to refugees. The Government has permitted a few individuals to reside and work in the country, and the Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There were no legal impediments to the participation of women in politics. In the past, women have served on the Council, including as Secretary of State for Internal Affairs and as Captain Regent; however, no women served in such positions during the year. Women held positions in the mainstream party organizations.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights organizations, although the Government did not impede their formation. The Government had declared itself open to investigations of alleged abuses by international NGOs, but there have been no known requests.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on race, disability, language, or social status. The law also prohibits some forms of discrimination based on sex; however, vestiges of legal as well as societal discrimination against women remained.

Women.—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, were rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there was no discrimination in pay or working conditions. All careers were open to women, including careers in the military and police as well as the highest public offices.

The citizenship law provides that both men and women may transmit citizenship either through birth or naturalization. The children of male citizens only need to state their intent to retain citizenship whereas the children of female citizens must state their “desire” to retain citizenship; it is not clear if this will affect the transmission of citizenship in practice.

According to Foreign Ministry sources, several hundred children of citizen women who are married to noncitizen men and reside in the country opted to become citizens during the year. Reportedly most children of citizens residing abroad did not take this opportunity during the year.

Children.—The Government was committed to children’s rights and welfare; it amply funded systems of public education and medical care. Education was free until grade 13 (usually age 18), and compulsory until age 16. Most students continued in school until age 18. No differences were apparent in the treatment of girls and boys in education or health care, nor was there any societal pattern of abuse directed against children.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1992 law established guidelines for easier access to public buildings, but it never has been implemented fully.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except the armed forces but including the police) are free to form and join unions, and workers exercised this right in practice. The law sets the conditions for the establishment of labor unions. Union members constituted approximately half of the country’s work force (which numbered approximately 10,300 citizens plus 4,000 resident Italians). Trade unions formally were independent of the Government and the political parties; however, trade unions had close informal ties with the political parties, which exercised strong influence over them.

Unions may freely form or join federations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers, and workers exercised these rights. Effective mechanisms existed to resolve complaints. Negotiations were conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers’ association. Complaints generally were resolved amicably by a “conciliatory committee” composed of labor union and business association representatives and government officials.

Workers in all nonmilitary occupations have the right to strike. In May following over a decade without strikes or with brief sector-wide and company strikes, a 1-day general strike was called to support the labor unions’ request for the approval of new contracts in the public administration and industrial sector.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. The law does not limit children between the ages of 16 and 18 from any type of legal work activity.

e. Acceptable Conditions of Work.—The legal minimum wage during the year was approximately \$1,200 (1,229 euros) per month, which afforded a decent standard of living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37½ hours in industry and private business, with 24 consecutive hours of rest per week mandated for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors these standards. Most workplaces implemented the standards effectively, but there were some exceptions, notably in the construction industry, where not all workers, particularly foreign workers hired for a specific contract, consistently abided by safety regulations such as work hour limitations. The Government monitored closely the implementation of safety regulations in the construction industry, but improvement has been slow.

Two laws treat foreign workers differently from citizens of the country: The first prohibits indefinite employment status for foreign workers with nonresident status; and the second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice these provisions limited the application of unemployment benefits to foreigners because such benefits were granted for a period of 12 months.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

SLOVAK REPUBLIC

The Slovak Republic became an independent state in 1993, following the dissolution of Czechoslovakia. The Constitution provides for a multiparty parliamentary democracy, with power shared between a popularly elected President and the 150-member Parliament. Rudolph Schuster was elected for a five-year term in the first direct presidential elections in May 1999. In the fall, a reform-oriented government, led by Prime Minister Mikulas Dzurinda, was reelected after parliamentary elections. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE). The Constitution provides for an independent judiciary, and several amendments to strengthen the status of the courts were implemented during the year; however, corruption and inefficiency within the judiciary were serious problems.

The national police had sole responsibility for internal and border security. With the exception of the Slovak Information Service (SIS), which reported directly to the Prime Minister, all security forces were under the Ministry of the Interior. A parliamentary commission composed of legislators from ruling and opposition parties oversaw the SIS. Civilian authorities maintained effective control of the security forces. Some members of the police and SIS forces committed human rights abuses, although the performance of the security forces, particularly the police, continued to improve during the year. Some members of the police were investigated for committing past human rights abuses, particularly against the Roma minority.

The country's population was approximately 5.4 million. The economy was a mixture of heavy industry, with a long tradition in steel and iron production, manufacturing, processing of raw materials, and agricultural commodities. Industry and the banking sector have been largely privatized. In the first half of the year, the private sector generated approximately 88.2 percent of the GDP. Real annual economic growth was 3.9 percent during the same period, and inflation was at an all-time low in July, falling to 2 percent. The unemployment rate was approximately 18.5 percent nationwide, but it approached 30 percent in some regions, and was virtually 95 percent in most Roma settlements. The nominal average monthly wage was \$368. The country provided citizens with unemployment benefits of approximately 90 percent of the average wage.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers allegedly on occasion beat and abused persons, particularly Roma. A few politicians used discriminatory language against minorities election campaigns during the year. Skinhead attacks on Roma and other minorities continued. The number of prosecutions of racially motivated crimes increased during the year, but some NGOs alleged that a number of hate crimes were not thoroughly investigated and the perpetrators were not punished. Ethnic minorities, particularly Roma, faced considerable societal discrimination. Domestic violence against women and children remained a problem. Trafficking in women also remained a problem, particularly among Roma. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. The Slovak Republic was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting of in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Seven police officers, who were charged with torture and inhuman and degrading treatment in the 2001 death of a Rom, Karol Sendrei, were dismissed from the police force. Investigation of the case was completed in September; however, the four defendants remaining in detention applied for release and their request was pending at year's end, further delaying the beginning of the trial. The investigation into the alleged involvement of the Mayor of Magnezitovce in this incident was reopened after a judgment from the Supreme Court, although on a lesser charge of bodily harm.

Newly appointed Interior Minister Vladimir Palko continued many reforms of the previous Interior Minister, particularly in the areas of abuse of power and anticorruption. However, further reform is needed at the municipal police level, where the majority of the abuse occurred.

The police officer who shot and killed a 21-year-old Rom during an interrogation in 1999 was found guilty of not securing his weapon and suspended for 1 year. The complaint filed by the European Roma Rights Center remained pending before the European Court of Human Rights (ECHR) at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, on occasion both national and municipal police allegedly beat suspects in custody, primarily Roma. Many reports of police misconduct pointed to local police forces. In 2001 the U.N. Committee Against Torture (CAT) expressed concern for inadequate police investigation concerning violence against Roma citizens and excessive force used by police officers.

Police reportedly used pressure and threats to discourage Roma from pressing charges of police brutality (*see* Section 1.e.). Credible sources stated that at times police contributed to the problem of violence against Roma by not thoroughly investigating attacks against them in a timely and thorough manner, or by coercing Roma not to submit potentially incriminating evidence (*see* Sections 1.e. and 5.).

Skinhead attacks against Roma and other minorities occurred during the year. There were reports that police were not actively and effectively investigating skinhead attacks. However, the new Police Center for Monitoring Extremist Activities organized several raids on suspected meeting places of extremist groups and cooperated on fact finding investigations with NGOs during the year. The police also created a methodology for investigating racially motivated crimes and produced information pamphlets and cards to identify neo-Nazi symbols and clothing.

In July Ivan Lexa was extradited from South Africa to face eleven criminal charges in the country. The prosecutor filed an appeal to the Supreme Court to also allow prosecution for the abduction case of the son of former president, Michal Kovac. However, the amnesty granted by Former Prime Minister Meciar was upheld by the court during the year; he remained in custody on other charges at year's end.

Prison conditions generally met international standards. Men and women were held separately, as were juveniles from adults, and pretrial detainees from convicted criminals.

The Government permitted visits by independent human rights observers. The Slovak Helsinki Committee was still attempting to obtain government approval to observe prison conditions at year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

A person accused or suspected of a crime must be given a hearing within 48 hours (or a maximum of 72 hours in serious cases) and either be released or remanded by the court. During this time, the detainee has the right to an attorney. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge either releases the accused or issues a substantive written order placing the accused in custody.

Investigative detention may last 18 to 40 days, with further pretrial detention permitted. The total length of pretrial detention may be extended every 6 months for up to 3 years. If the Supreme Court determines that the person constitutes a serious danger to society, the period of detention may be extended up to 5 years. However, there were a number of instances during the year when criminals were released from detention allegedly due to the influence of organized crime elements, personal connections, or bribery of judiciary officials. In September the Minister of Justice Carnogursky threatened to recall a district judge who missed a deadline re-

sulting in the release of seven suspected members of an organized crime syndicate charged with murder. In another incident, investigators threatened to charge three Supreme Court Justices with a complaint after they reversed the decision of a lower court, releasing Ivan Lexa, former head of the SIS, from pretrial custody after his extradition from South Africa to face eleven charges, including abuse of power and complicity in kidnaping. Lexa was taken back into custody in December, when he was charged with ordering the 1996 murder of Robert Remias (*see* Section 1.c.).

The law allows family visits and provides for a court paid attorney if one is needed. There was a bail system. Detainees have the right to see an attorney immediately and must be notified of this right; however, one NGO reported that in practice, not all detainees were notified of their rights.

Noncitizens may be held for up to 6 months for identification purposes, but most applied for asylum and were released. NGOs contracted by the UNHCR periodically monitored the detention facilities and offered legal counsel. While asylum applications were pending, detainees were transferred to a refugee reception center and were held for 30 days in quarantine. Applicants for asylum were then transferred to a refugee center. Noncitizen children in detention facilities and reception centers were not offered access to education, but access to physicians was provided.

The law allows monthly family visits upon request, and receipt by detainees of a package of up to 10 pounds every 2 weeks. Attorney visits were allowed as frequently as necessary, and consular visits were allowed upon request by a judge.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, there were reports of problems with corruption and inefficiency in the judiciary. In the past, critics alleged that the independence of the judiciary was undermined by its dependence on the Ministry of Justice for logistical and administrative support. In March amendments to the Constitution formally recognized the relationship between the Ministry of Justice and the Judicial Council, an independent organization of lawyers and judges. This council provided recommendations to the Ministry on issues pertaining to budgets, schedules, appointments, and judicial evaluations; however, it was not convened until September, when funds were made available. Another amendment abolished the 4-year probationary period for judges and they are now appointed for life. The controversial Supreme Court President Stefan Harabin was reelected in December, despite allegations that he granted unbalanced year-end bonuses to influence votes. However, his formal appointment was delayed when his opponent took legal action, claiming that voting procedures violated his rights. Harabin allegedly broke an unwritten rule by casting a vote for himself. Many activists credibly alleged that some judges were corrupt. Public perception of corruption and inefficiency in the judiciary remained at a very high level. According to a recent World Bank report, 25 percent of households involved in court procedures admitted to paying a bribe to an official of the judiciary.

The court system consists of 55 district courts and 8 regional courts, with the Supreme Court as the highest court of appeals. There is a separate Constitutional Court with no ties to the Ministry of Justice that considers constitutional issues. In addition there is a separate military court system; its decisions may be appealed to the Supreme Court and the Constitutional Court. Under the Constitution, the President appoints Constitutional Court judges to 12-year terms based upon parliamentary nominations; the number of Justices recently increased to 13.

Under the law, persons charged with criminal offenses are entitled to fair and open public trials, although in practice observers stated that corruption among judges could infringe on a persons right to a fair trial. Individuals have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. Defendants enjoy a presumption of innocence. Defendants also have the right to refuse to incriminate themselves, and they may appeal any judgment against them. According to existing legislation, suspects are also presumed innocent during the appeal process, and if that process lasts more than 3 years, the suspect must be released. Occasionally criminals were released from prison because they did not have a complete trial within the 3-year time limit. Lengthy pretrial detention remained a problem.

Human rights observers continued to charge that police investigators were reluctant to take the testimony of witnesses, particularly Roma, regarding skinhead attacks on Roma. They also contended that on occasion, police failed to investigate cases of skinhead violence when the skinheads did not admit to the crime (*see* Sections 1.c. and 5). Some NGOs reported that the police operated under severe constraints, including insufficient resources and a lack of modern equipment. In addition, only evidence collected by the investigator during the 48-hour detention period

can be considered in the decision whether or not to hold the suspect. However, human rights observers also reported that in practice, police used countercharges or threats of countercharges to pressure Roma victims of police brutality to drop their complaints. They also reported that in practice medical doctors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations for fear that it would have a negative effect on their law practices.

Credible sources stated that it was increasingly difficult for indigent citizens and marginalized groups, such as minorities and persons with disabilities, to obtain non-criminal legal representation, making it more difficult for some who believed their rights were violated to take legal action. In 2001 the Ministry of Justice initiated a program in which free legal advice was offered in seven cities every Wednesday for 5 hours; however, a legal NGO claimed that a more systematic approach was necessary. The Slovak Bar Association cooperated with the Ministry of Justice on several projects and encouraged their members to provide free legal services. The bar association has the authority within their bylaws to ask lawyers to accept indigent cases under certain conditions. During the year, the Association received 200 such applications and was only able to identify 8 available lawyers. They were also unable to identify funding for programs that would have increased legal representation for indigent citizens.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for these rights; however, at times the authorities infringed on these rights in practice. The Criminal Code requires police to obtain a search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, with few exceptions. Police must present the warrant before conducting the search or within 24 hours afterwards. Some Roma activists alleged that occasionally local police have entered Roma homes without a search warrant. This was reportedly most common in the eastern part of the country.

The law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted by order of a judge or prosecutor only in cases of extraordinarily serious premeditated crimes or crimes involving international treaty obligations. Late in the year, the Chairman of the Alliance of New Citizens (ANO), Pavol Rusko, received information that his telephone communications were monitored. The Ministry began an investigation into his allegations. In previous years, other prominent politicians made similar allegations, for examples, SMK Chairman Bela Bugár and the founder and chair of the “Smer” Party, Robert Fico, made similar allegations. There were also reports that the SIS actively monitored members of the Church of Scientology (*see* Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected this right in practice. The media generally was free and uncensored; however, in at least one case in 2001, the President used libel laws to suppress criticism of political or other leaders; some human rights activists criticized the section of the Penal Code that prohibits defamation of the state. In June Parliament passed an amendment nullifying two paragraphs of the Criminal Code on the defamation of public officials after a temporary suspension of those provisions by the Constitutional Court. However, Parliament and the Constitutional Court upheld paragraph 156, which classifies libel against public officials performing the duties of their office as a misdemeanor. Individuals reported that they were able to criticize the Government without fear of reprisal.

In November 2001, Parliament passed an amendment to the Penal Code criminalizing the “denial or belittling of the Holocaust.” The Penal Code stipulates that anyone who publicly demonstrates sympathy towards fascism or movements oppressing human rights and freedoms can be sentenced to jail for up to 3 years. During the year, NGOs and police successfully removed web sites that propagated racism from servers.

Independent newspapers and magazines regularly published a wide range of opinions and news articles that were distributed nationwide. There were nine national dailies, as well as a sports daily and several weeklies. According to statistics from the Ministry of Culture, funding provided for cultural activities and media in minority languages rose overall by approximately \$415,816 (16.3 million crowns). However, difficulties continued for a growing number of publications competing for funds.

Three boards appointed by a majority vote of Parliament supervised radio and television broadcasting. The national Radio and Television Council established broad-

casting policy for state-owned television and radio. The National Council for Radio and Television Broadcasting issued broadcast licenses and administered advertising laws and other regulations. The Radio and Television Council issued 24 radio and 82 television and cable television licenses during the year. There were no reported incidents of government interference in radio or television during the year.

During the year, the International Press Institute contacted President Schuster to express concern that the Supreme Court President's office threatened to file a libel action in a criminal court against a journalist reporting about corruption in the judiciary. The regional court in Zilina upheld a ruling against the daily *Novy Cas* to pay \$127,551 (5 million crowns) in damages to Mayor Jan Slota for an article printed in 1999. The newspaper had not paid the fine and was considering pursuing the case in the Supreme Court at year's end.

Although Parliament passed amendments nullifying paragraphs 102 and 103 of the Penal Code, the Prosecutor did not reclassify the case against Ales Kratky, a writer for the daily *Novy Cas*, for defamation of a public official as a misdemeanor. The Office of the President did not pursue further action and the case was closed.

In April the Slovak Syndicate of Journalists and the Association of Publishers of Print Media founded a Press Council to preserve ethical standards in journalism and examine pending complaints against media institutions. The Council consisted of representatives from a variety of professions and backgrounds. From its establishment in April until the end of the year, the Council received 16 complaints and made five decisions; however, there were complaints about the Council's ineffectiveness, since it was not given the authority to enforce its decisions.

There were complaints that the media failed to represent minorities. The NGO MEMO 98 continued to monitor the media's treatment of minorities during the year, and found that the majority of reporting about minorities was dominated by information on Roma and one-fifth of the reports were incorrect. It asserted that 32 reports violated Council of Europe recommendations on the treatment of ethnicity.

In January 2001, a new Freedom of Information Act went into effect that grants citizens access to virtually all unclassified information from national and local government offices. More than 1,000 requests were submitted to the Government last year, and several resulted in lawsuits. During the year, Parliament approved two laws giving access to documents on intelligence operations between 1939–89, and created the Institute for the Memory of the Nation. The Institute was empowered to open files to the public and contribute to investigations of crimes from the Communist and Fascist-era.

The Government did not censor books, films, or plays. The Government did not limit access to the Internet; Internet use was not widespread, but was more common in the urban areas.

The Government did not restrict academic freedom. The President formally appointed professors to universities based on the recommendations of the universities. As part of planned decentralization of education, regional schools were transferred from the Ministry of Education to local governments. A new and controversial university law was passed during the year, liberalizing funding possibilities for public schools. While the Faculty of Medicine at Comenius University began a program to encourage Roma applicants, the low percentages of minorities at the university level remained a problem. The use of bribery by some students to improve their chances for acceptance into some prestigious faculties reportedly resulted in unequal access to higher education for economically disadvantaged students.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No official state religion exists; however, the Catholic Church, the dominant faith in terms of membership, received significant state subsidies.

In November 2001, the Government signed an international treaty with the Vatican, which provides the legal framework for relations between the Catholic Church, the Government, and the Vatican. In April the Government signed an agreement with an additional 11 registered churches and religious groups in an attempt to counterbalance the Vatican agreement with the Catholic Church and provide equal status to the remaining registered churches.

Registration of churches is not required, but under existing law, only registered churches and religious organizations had the explicit right to conduct public worship services and other activities. However, no religions were banned or discouraged by the authorities in practice. Government subsidies for clergy and office expenses were provided in a nondiscriminatory way to registered religions that sought it. However,

only 16 registered churches qualified for support, thus disadvantaging some smaller faiths.

The Government monitored, although it did not interfere with, religious “cults” and “sects.” The Ministry of Interior actively monitored the Church of Scientology and its members. Some Scientologists complained of harassment by the Slovak Information Service (SIS). Several stories appeared in the media that were critical of companies that have ties to Scientology.

Anti-Semitism persisted among some elements of the population. Despite protests by the Federation of Jewish Communities and National Party members—and although not supported politically by the current government—the official cultural organization Matica Slovenska continued its efforts to rehabilitate the historical reputation of Jozef Tiso, the leader of the Nazi-collaborationist wartime Slovak State.

In February Parliament passed an amendment that allows the compensation to Jewish Holocaust victims who lived in the country’s territory when it was occupied by Hungary. The Law 305 compensates the victims or direct heirs of Nazi persecution during World War II in the wartime Slovak State.

A group of skinhead musicians, “Judenmord,” (Murder of Jews) established a web site and participated in several concerts in the country as well as in the neighboring Czech Republic.

Incidents of desecration and vandalism of Jewish cemeteries by skinheads continued, to which authorities responded promptly and appropriately.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there were some limits on these rights for Roma.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local police officers refused to give registration stamps to Roma citizens, which in turn prevented them from receiving social benefits and housing (see Section 5).

Roma continued to seek asylum in Western European countries, although to a lesser degree than in previous years. Belgium, where Slovakia once had the highest number of asylum seekers, reported only 635 claims from 18,805 during the year, compared to 1,000 claims from 25,000 in 2001. Many organizations claimed that most asylum seekers migrated to receive financial benefits motivated by the lack of available economic opportunities rather than concerns about human rights. In 2001 the Parliament passed legislation directing border police to check travel documents more closely. Although this proposal did not specifically mention Roma, human rights organizations criticized government attempts to interfere with the rights of Roma to travel freely.

The law includes provisions for granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The law provides for “tolerated residence”—first asylum—which allows refugees to remain in the country for a designated period of time if their life would be threatened by a forced return to their home country. During the year, 15 refugees were granted first asylum. The Government occasionally adopted specific resolutions in response to a crisis, allowing for the temporary acceptance of refugees who did not wish to enter the asylum process. During the year, the Government passed such a resolution for Afghan refugees.

According to National Migration Office statistics, by year’s end, 20 persons received asylum out of a total of 9,743 applications. During the year, 47 refugees completed the required 5-year residency period and were granted Slovak citizenship, bringing the total number of those granted citizenship since 1993 to 99. Out of 8,382 applications reviewed during the year, 8,053 cases were terminated because asylum seekers disappeared from refugee camps or left the country. NGOs claimed that the location of refugee camps close to the borders, and the lengthy asylum process were both contributing factors to the high number of cases terminated because of the disappearance of applicants.

During the year, Parliament passed a new Asylum Law that brought existing legislation closer to the European Human Rights Convention. The new law broadens the grounds for granting asylum and temporary protection and formalizes cooperation with NGOs. Most importantly, it outlines the administrative procedures for the appeal process. Additionally, the courts may examine individual appeal cases according to substance, rather than remaining limited to judgments solely on whether procedural requirements were followed. Several NGOs noted that border police par-

ticipated in sensitivity training at various times throughout the year, and that initial processing was improved as a result.

According to the Slovak Helsinki Committee, refugees faced serious difficulties integrating into society and were often victims of skinhead violence, as well as discrimination when seeking employment (*see* Section 5).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. All citizens over the age of 18 were eligible to vote by secret ballot; however, there was no system of absentee voting for those outside of the country during elections. The Constitution reserves certain powers for the President as Chief of State (and directly elected by citizens), but executive power largely rests with the Prime Minister. Legislative power is vested in the National Council of the Slovak Republic (Parliament).

The head of government was Prime Minister Mikulas Dzurinda, who took office for a second term after free and fair elections in September. The country was a multiparty, multiethnic parliamentary democracy. The Government did not restrict the functioning of political opponents, including their right to publicize political opinions.

The most recent national elections, held in September, were declared free and fair by the OSCE. The media's reporting in general was unbiased, with the exception of Markiza, the most popular private station, co-owned by the Chairman of ANO, Pavol Rusko. According to independent NGO observers such as MEMO 98, the prime time reporting of Markiza was not balanced and favored ANO. Police guarded several districts in Poprad during the national elections after several racially motivated attacks were reported. Local Roma activists claimed that Roma were afraid to go to the polls.

There were 29 women parliamentarians in the 150-member Parliament; however, no women received a ministerial posting. Overall, participation of women in the decision-making process continued to be disproportionate. Out of 2,618 candidates in the parliamentary elections; only 604 were women (23.1 percent) and only 4.8 percent were directly elected. According to an NGO observing the elections for gender sensitivity, only one party in the Government devoted part of its platform to discrimination issues; others only linked women's rights to the family. In the previous year's regional elections, women fared slightly better, receiving 17.3 percent of the positions.

The large ethnic Hungarian minority, whose coalition gained 20 seats in Parliament in the September elections, was well represented in Parliament and the Government. Many large, mainstream political parties promised to place Roma candidates on their list; however, only five received positions on a total of three lists, and none were elected to Parliament. According to human rights lawyers, several politicians used discriminatory language about minorities in election campaigns during the year.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Government established a Council for the Nonprofit Sector as an advisory body. The law requires that foundations register and have substantial financial resources in order to operate. This eliminated some foundations, primarily inactive ones; however, no organization was denied registration or faced any other limitations on their operations. Some NGO leaders continued to allege that the Government was sometimes unresponsive to their requests.

A 2001 amendment to the income tax law allows individuals to donate one percent of their taxes to nonprofit groups. NGOs collected approximately \$2.2 million (more than 97 million crowns) from approximately 325,000 citizens, about a third of the maximum allowed by the amendment. In April Parliament extended the amendment to allow corporations to donate one percent of their corporate taxes, which was expected to help increase domestic funding for NGO activities. However, Parliament did not create a special government endowment for NGOs from privatization revenues.

Several human rights NGOs expressed extreme dissatisfaction with the work of the National Center for Human Rights and questioned the effectiveness of the Center's use of state funds. The Center sponsored conferences, released publications, and received \$100,000 (5 million crowns) annually from the state budget. In the past, the Center refused any government oversight, claiming it represented government interference and threatened the independence of the center. The Parliamentary Committee for Human Rights approved amendments to the law to empower the Supreme Audit Office to oversee accounts funded by the state budget.

On March 19, the National Council elected the first Human Rights Ombudsman, Pavol Kandrak, over the candidate supported by most of the NGO community. The office became operational in September and received over 1,800 complaints, as many as 30 per day. Most complaints were about pensions, health care, and other social issues. No information was available regarding the resolution of these complaints by year's end. According to the Office, no complaints were received on behalf of a minority group during the year. The Government cooperated with international human rights organizations and domestic monitors.

In May 2001, the U.N. Committee Against Torture criticized police for the use of excessive force and inadequate investigation of violence against Roma citizens (*see* Section 1.c.). In October the OSCE expressed concern over growing skinhead violence in the country.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination and provides for the equality of all citizens; however, enforcement of the law was inconsistent, and some minority groups have reported that their members often received no government assistance with complaints about discrimination. The Roma minority, immigrants, and homosexuals were frequently victims of societal violence. In some cases, police were found to condone such attacks by their unwillingness to investigate them fully (*see* Sections 1.a. and 1.c.).

Women.—Violence, particularly sexual violence against women, remained a serious and underreported problem. One NGO's research showed that 38 to 40 percent of women were victims of domestic violence. A 2000 national poll indicated that as many as one in five women were subjected to some form of physical abuse in the home. Police estimated that two-thirds of female rape victims failed to report their cases. Police treated spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses. Sections of the Criminal Code specifically address rape, sexual abuse, and trafficking in women (*see* Section 6.f.).

The law does not recognize or define the term domestic violence. In June new amendments to the Criminal Code relating to domestic violence were passed and were scheduled to be implemented by early 2003. The laws strengthen victims' rights by expanding the definition of possible perpetrators to include people other than spouses, defining better specific acts of violence that are prosecutable, and increasing sentences for perpetrators. The amendments also changed the Criminal Procedural Code, the Act on Minor Offenses, and the Civil Procedure Code. However, NGOs were still lobbying for an additional amendment that would physically remove and ban the offender from the victim's place of residence. The police can only hold a suspect for 24 hours; then they must wait 7 days for the court to decide whether to remove an accused attacker from the victim's home. According to one NGO, there were 39 places for women and children in the Government system, but only one safe house with the capacity to house 8 women. In addition, there were six crisis centers for women and children outside the Government framework, with three specifically for the victims of domestic violence.

An international NGO began a study examining allegations of coerced and forced sterilization of Roma women during the year. It had not been published by year's end.

Prostitution is legal; however, the Code prohibits activities related to prostitution such as renting apartments for prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women was a problem (*see* Section 6.f.).

Women are equal under the law. They have the same rights as men to property, inheritance; however, discrimination against women remained a problem in practice. According to studies, women received approximately 85 percent of men's wages for the same work; however, "the same work" is not defined precisely. On average women earned 22 percent less than men. Women's issues were made part of the responsibilities of the Parliamentary Committee for Human Rights, Nationalities, and Women.

The Gender Center for Equal Treatment of Men and Women was an independent NGO that cooperated with the U.N. Development Program (UNDP) and the Govern-

ment. The Center dealt mainly with claims of unfair treatment of women in the workplace; however, it also focused on mobilization and job creation for women. The Government's Coordinating Committee for Women's Affairs, which included NGO representatives, has still done little to implement a national action plan meant to reduce violence against women, protect women's health, and reduce women's economic disadvantages.

Children.—The Government was committed to children's rights and welfare; it maintained a system of public education and health care. The Ministry of Labor oversaw implementation of the Government's programs for children. The Constitution, the Law on Education, and the Labor Code each addressed part of the issue of children's rights. There also was a system of financial assistance for families with children. Education was universal, free, and compulsory for 9 years, or until the age of 15; however, this requirement was not enforced strictly, particularly for the Roma minority. Parents may be prosecuted for not sending their children to school; officials claimed that enrollment was 100 percent. While most ethnic Slovak and Hungarian children attended school on a regular basis, a high percentage of Roma children failed to regularly attend school; the percentage increased with higher grade levels in school.

Child abuse remained a problem and was underreported. Experts from various state institutions dealing with child abuse claimed that there were significant discrepancies between official figures on violence against children and the actual situation. Among the most frequent crimes committed against children were nonpayment of child support, sexual abuse, and beatings. According to independent studies, 25 percent of all children were punished physically on a regular basis.

The Family Law was amended during the year, further defining the rights of children. Previously, NGOs remarked that the law protected aggressors rather than the victims. In article 68, the law specifies that children in state custody may be adopted if a parent does not show consistent interest in a child under institutional care for a minimum of 6 months.

The Commission on the Rights of the Child in the Ministry of Social Affairs provides information to children regarding their rights. UNICEF has operated a hot line for children for the past several years, receiving close to 13,500 calls per month. Most of the calls have been from girls outside of the capital, Bratislava; half of the callers have been between the ages of 11 to 14. There were several grant organizations that supported educational campaigns and projects for abused or disabled children.

Child prostitution is not addressed specifically in the Criminal Code, but is covered by more general provisions in the law. The Penal Code contains a provision outlawing child pornography.

Trafficking of girls for the purpose of prostitution was a problem (*see* Section 6.f.).

Activists claimed that children were increasingly born into poverty and that this phenomenon affected the Roma minority in particular. It has resulted in an increased number of Roma children being abandoned, either at the hospital, immediately after birth, or during infancy. These children became wards of the state and were sent to orphanages.

Persons with Disabilities.—The Constitution and implementing legislation provide for health protection and special working conditions for persons with mental and physical disabilities, including special protection in employment relations and special assistance in training. A 1994 decree provided incentives to employers to create a "sheltered" workplace (i.e., a certain percentage of jobs set aside for persons with disabilities). The law also prohibits discrimination against persons with physical disabilities in employment, education, and the provision of other state services; however, experts have reported that discrimination in the accessibility of premises and access to education, particularly higher education, remained a problem. During the year, the country joined a project called Leonardo da Vinci, which is an information network to support university education for persons with disabilities.

Although not required specifically by law, a government decree mandates accessibility for new public building construction. The decree provides for sanctions but lacks a mechanism to enforce them. A spokeswoman for an NGO dealing with persons with disabilities stated that due to pressure from a number of NGOs and the willingness of the Dzurinda government, accessibility has been improving, particularly regarding new construction and public buildings.

Several new government initiatives for persons with disabilities were implemented during the year. While there was a government-based Council for Citizens with Disabilities, the Government also formed a Coordinating Committee for People with Disabilities in May, which served as an advisory body to the Government for

persons with disabilities. Parliament passed significant legislation during the year improving social assistance for persons with severe disabilities.

National/Racial/Ethnic Minorities.—The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decision-making in matters affecting them, although there was no comprehensive law against discrimination; however, violence and discrimination against minorities, particularly Roma, continued. The Government continued to provide funding for cultural, educational, broadcasting, and publishing activities for the major ethnic minorities.

According to the Law on the Use of Minority Languages, in places where a minority constitutes at least 20 percent of the population, the minority language can be used in contacts with government officials. In July 2001, the Government ratified the European Charter for Regional or Minority Languages. NGO members reported that these two laws have conflicting language and that neither has been properly implemented.

The largest minority was the ethnic Hungarian minority, whose SMK political party again was an active member in the governing coalition. It was concentrated primarily in the southern part of the country, and its population, according to the most recent census in 2001, was 520,528. Tensions between the Hungarian Coalition and partner political parties fluctuated during the year, reflecting the ongoing discussions between the Slovak government and the Government in Hungary over the Status Law. Decentralization to provide more autonomy to regions in education, land ownership, and restitution of confiscated property continued to be an issue for the large Hungarian minority.

In 2001 the Slovak National Party (SNS), which employed strongly nationalist rhetoric, split into two parties because of internal disagreements, and neither party was able to cross the 5-percent threshold to enter Parliament.

Higher education opportunities in the Hungarian language were limited. Approximately 2 percent of ethnic Hungarians in the country attended university, compared to 4.8 percent of Slovaks. Ethnic Hungarians claimed many ethnic Hungarian students chose to attend university in Budapest because they wanted to study in Hungarian. A Hungarian university remained one of the highest priorities for the Slovak-Hungarian Party, and it has been included in the new government program.

Roma constituted the second largest ethnic minority, estimated by experts to number up to 500,000, although according to the most recent census in 2001, there were 90,000 Roma in the country. NGOs maintained that Roma continued to be reluctant to identify themselves because they feared discrimination.

Cases of police brutality continued to be reported. The former Minister of Interior made several attempts to remedy the problem, including the adoption of a new Police Code of Conduct in February. In Kosice two police officers were found not guilty of beating Roma while off duty. Eyewitness testimony of the events conflicted, and the case was expected to be pursued in a higher court. The Ministry of Interior made several attempts to remedy the problem, including the adoption of a new Police Code of Conduct in February.

Skinhead violence against Roma continued to be a serious problem. The NGO People Against Racism reported that although Police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted. They also reported that the skinhead movement continued to grow and became more organized, and estimated that there were approximately 500 to 800 skinheads and 3,000 to 5,000 skinhead sympathizers. They also stated that skinheads had been targeting members of other ethnic and national groups as well as Roma.

In June three skinheads were prosecuted for causing serious bodily harm with racial motivation against 19 year-old Daniel Milan. The court handed down varying sentences from 4½ years to 4 months for a passive observer of the attack. In December the regional court of Bratislava sentenced a skinhead to 4 years in jail in connection with the murder of Ignac Mezei, a Rom murdered in April 2001.

During the year, the police recorded 109 racially motivated attacks, of which the police solved 76 cases. The majority of incidents took place in the district of Bratislava, and the highest number of prosecutions was in the district of Zilina. Only 27 cases were considered to be of an extremely violent nature, out of which 18 were prosecuted. The Roma were the most frequent targets of these attacks.

On February 28, 15 unknown men attacked residents in 3 family houses in the village of Ganovce, causing bodily harm to numerous Roma. Although, the Poprad Police initially denied the crime was racially motivated, on March 13, the primary investigator classified the case as racially motivated and raised the qualification of the act from bodily harm to grievous bodily harm. On April 26, the Poprad Police decided to close the case because it had failed to collect sufficient evidence to accuse

certain individuals. The case was subsequently reopened and was pending at year's end.

On February 12, the Kosice Police Chief refused to shake hands with a Romani journalist, Denis Havrlova, asking her to present a health certificate before agreeing. The police chief later resigned under pressure from the Ministry of Interior as a result of this incident.

Roma suffered disproportionately from high levels of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Discrimination was most severe in the eastern part of the country, where unemployment was higher and the Roma population was larger. Among Roma living in settlements in the east, the unemployment rate was estimated to be nearly 95 percent. In urban areas in the east, incidents of Roma being denied admission to certain hotels, restaurants, and swimming facilities were reported widely.

According to the Office for Protection of Legal Rights (KPO), Roma often were segregated in hospitals, particularly in maternity wards, and some said Roma received inferior care. The 2000 case regarding allegations that maternity wards were segregated was closed based on lack of evidence. According to press reports, physicians denied any segregation and claimed Roma women did not want to share rooms with non-Roma. Many NGOs alleged that segregation in schools continued and the newly established police commission tasked with improving relations with minorities also noted that segregation in schools existed. Roma children were disproportionately placed in special schools for the mentally retarded, in many cases due to their insufficient knowledge of the Slovak language. The Act on Public Service was amended in June to introduce assistant teachers for elementary and preschools. This step was intended to facilitate the integration of Roma children into the standard educational system.

In March the Government adopted a second Action Plan to prevent all forms of discrimination, racism, xenophobia, anti-Semitism, and other forms of intolerance. It included plans to train professional groups about tolerance, promote activities in schools, strengthen government bodies dealing with the fight against racism, and enhance cooperation between state institutions and NGOs in preventing discrimination and adopting anti-discrimination legislation.

The Government Plenipotentiary for Roma Communities appointed in 2001, Klara Orgovanova, and established an informal Advisory Board with a large number of representatives from the Roma community and civil society. A regional office was opened in October 2001 in Presov, in eastern Slovakia, where the majority of Roma resided. In April the Government approved Resolution 357, and outlined the priorities of the office.

The budget of the Office of the Plenipotentiary was approximately \$1,403,000 (55 million crowns). NGOs continued to allege that the Office lacked sufficient authority because the position was not established by law and as an adjunct of the Prime Minister's Office it lacks statutory authority to present material to the Government. After the parliamentary elections, members of the coalition government proposed altering the structure and the strategy of the office. The office received funding from the state budget, but its status was still undecided at year's end.

On March 19, the country's first Human Rights Ombudsman, opposition candidate Pavol Kandrak, was elected. By law the Ombudsman should assist in protecting the fundamental rights and freedoms in cases where public administration bodies have violated the legal system or rule of law. A budget of approximately \$600,000 (2.3 million crowns) was allocated to the office, which was expected to have a staff of 30.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join unions, except in the armed forces, and workers exercised this right. Approximately 45 percent of the work force were unionized. Unions were independent of the Government and political parties; however, they continued to lobby those entities in order to gain support for union positions on key labor issues. A new labor code was drafted over the course of several years, representing a joint effort between the Ministry of Social Affairs and the unions. The new code changed more than half of the previous statute.

The Law on Citizens' Associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the

Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

Unions were free to form or join federations or confederations and to affiliate with and participate in international bodies, and they did so in practice.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining. A new controversial labor law took effect on April 1, affecting most labor statutes. Both the private sector and representatives of labor unions alleged certain provisions limited workers' rights and new amendments were being negotiated.

The Constitution provides for the right to strike; however, according to this law, a strike is legal and official only if it is for the purpose of collective bargaining, if it is announced in advance, and if a list of strike participants is provided. There were no instances of retribution against strikers or labor leaders. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes; however, if a strike is not considered official, strikers are not ensured protection. There were no national strikes during the year.

The law regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

c. Prohibition of Forced or Bonded Labor.—Both the Constitution and the Employment Act prohibit forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum employment age at 15 years. Problems with child labor were nearly nonexistent and existing legislation was effectively implemented and enforced.

All types of employment are prohibited for children under 15 years of age. Children under the age of 16 may not work more than 33 hours per week, be compensated on a piecework basis, work overtime or night shifts or work underground or in specified conditions deemed dangerous to their health or safety. The minimum age for hazardous work was 18. The law that relates to child labor applies to all sectors of employment; however, the more stringent regulations apply only to certain sectors. For example, the minimum age for mining was 21. The revised labor code requires that employment of children younger than 15 in artistic professions, including modeling and acting, also be approved by the National Labor Inspector's Office of the Ministry of Labor.

The country had adequate laws and regulations for the implementation and enforcement of measures to prohibit the worst forms of child labor. Civil fines were the legal remedy available to government agencies. A first offender can be fined up to \$11,494 (500,000 crowns), while a repeat offender can be required to pay up to \$22,989 (1 million crowns). The enforcement remedies have proven adequate to deter violation to date. The country has established formal institutional mechanisms to investigate and address complaints relating to allegations of child labor. Child labor complaints were received and investigated by district inspection units. When a complaint was registered, an inspector would visit the worksite and inspect the contract. If it is determined that a child labor law or regulation has been broken, the case is turned over to the national inspection unit of the Ministry of Labor. Furthermore, the Government requires employers to submit significant characteristics about their employees into a national database managed by the Ministry. This new requirement facilitated better monitoring of firms.

e. Acceptable Conditions of Work.—The minimum wage was \$142 (5,570 crowns) per month; even when combined with special allowances paid to families with children, the minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing the minimum wage; no violations were reported. The standard workweek mandated by law is 42.5 hours, although collective bargaining agreements achieved reductions in some cases (most often to 40 hours). For state enterprises, the law requires overtime pay up to a maximum of 8 hours per week, and 150 hours per year, and provides 5 weeks of paid vacation annually. Private enterprises can compensate their employees for more hours of overtime than stipulated by the law. There is no specifically mandated 24-hour rest period during the workweek. The trade unions, the Ministry of Labor, and local employment offices monitored observance of these laws, and authorities effectively enforced them.

The Labor Code establishes health and safety standards that the Office of Labor Safety generally enforced effectively. For hazardous employment, workers underwent medical screening under the supervision of a physician. They have the right

to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

The country is largely a transit point without a significant illegal underground labor market.

f. Trafficking in Persons.—The law specifically prohibits all forms of trafficking in persons; however, there were instances of trafficking in women and girls for prostitution.

The Law Against Trafficking in Persons was strengthened and implemented on September 1. According to the statute, an individual involved in the trafficking of persons can receive a sentence of 3 to 10 years. However, if the offender is a member of a crime syndicate, the sentence is from 12 to 15 years. According to official statistics from 2001, six people were prosecuted for the trafficking of women and six people were prosecuted for procurement (a person who makes a profit from the prostitution of a trafficked person). During the year, there were 17 reported cases of trafficking under Article 246, and the Ministry of Justice reported that 32 cases were prosecuted and convicted. According to government offices, many women who worked abroad did not want to testify, which made prosecutions of these cases difficult.

The changes in the Criminal Code further defined trafficking in human beings and took steps toward the implementation of the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women in Children. The Government signed the protocol in November 2001, but had not ratified the treaty in Parliament by year's end.

The Government focused attention on trafficking during the year by creating a new Investigative Unit at the Ministry of Interior. The new trafficking unit was established in June to gather information and investigate agencies with suspicious activity. The office worked in close international cooperation with local NGOs and the International Office of Migration (IOM). The U.N. Office for Drug Control and Crime Prevention began a new technical cooperation project aimed at improving legal enforcement and strengthening international cooperation. Slovak police attorneys and investigators traveled to the Czech Republic, Austria, and Belgium on training tours. Police received training to identify and handle cases of victims of trafficking at the Police Academy.

The country is an origin, transit point, and destination for victims of trafficking. There were reports that women were trafficked to France, Germany, and the Czech Republic. Exact numbers of women and girls trafficked abroad for prostitution were unknown.

A report issued in 2001 by the Ministry of Interior stated that the country was a transit point for persons being trafficked from Ukraine and Russia mainly to Austria, the Czech Republic, and Germany for the purpose of prostitution. It reported that women from Russia and Ukraine were trafficked through the country on their way to countries such as Turkey, Greece, Italy, Germany, and Serbia, where they also were forced to work as prostitutes.

Although previously the Slovak Republic primarily was a country of origin, women from less prosperous Eastern European countries (including Russia, Belarus, Ukraine, Romania, and Bulgaria) found themselves trafficked through and to the Slovak Republic. Women, mostly Ukrainian and Russian, were lured to the country with the promise of work as domestic servants or waitresses. However, when they arrived, their documents allegedly were stolen and they were forced to work as prostitutes or in nightclubs and threatened with violence if they attempted to escape. Young women also were recruited through agencies (which offered false opportunities) or through personal contacts of owners or employees of hotels, casinos, entertainment or prostitution establishments.

During the year, police, with assistance from German police, arrested seven members of a trafficking gang from the southwestern part of the country. According to a press report, police suspected the involvement of a low-level government employee. Over the course of 8 years, the gang procured at least 60 young women, some claimed to be sold for \$255 (10,000 crowns) abroad. The traffickers lured some into prostitution by promising a good salary or debt forgiveness, and others were forced through violence. The women were sent to Germany, Poland, Switzerland, and France. The head of the gang was previously prosecuted for sex trafficking in France and had been banned from the EU for a period of 5 years. In total, the gang made an estimated profit of \$127,000 (5 million crowns).

The Act on Protection of Witnesses and the Act on Compensation of Damages allowed the Government to give more assistance to victims of trafficking. A special unit for the protection of witnesses was established within the Police Presidium and

an inter-ministerial committee granted the protection. Deportation of foreigners may be postponed if a person is in the witness protection program. According to the IOM, foreign victims of trafficking were usually sent to detention centers, where they remained for 30 days after which they were usually sent back to their country of origin. NGOs and the IOM reported that victims feared returning to their home countries because of the stigma attached to trafficking victims. There was very little legal, medical, or psychological assistance for victims of trafficking. According to NGO activists, government agencies such as customs and police officers treated victims poorly, since many law enforcement officials believed that victims were not forced, but rather chose their fate.

There were no national organizations in the country focused solely on the issue of trafficking. However, local organizations successfully repatriated victims of trafficking and carried out public awareness campaigns on a regional and municipal level.

There reportedly was not enough attention paid to the issue of trafficking in the media or in public education campaigns during the year. According to a 2000 IOM study, 50 percent of young women surveyed did not know the methods or tactics employed by traffickers.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Free, fair, and open elections characterize the political system. In December Janez Drnovsek was elected President in a runoff election. The judiciary is independent.

The police were under the effective civilian control of the Ministry of the Interior, which was responsible for internal security. By law the armed forces did not exercise civil police functions. Members of the security forces occasionally committed human rights abuses.

The country has made steady progress toward developing a market economy. The population was approximately 2 million. The Government continued to own approximately 50 percent of the economy, particularly in the financial sector, utilities, and the port of Koper. Manufacturing accounted for most employment, with machinery and other manufactured products constituting the major exports. Unemployment was 6 percent according to International Labor Organization (ILO) standards, but registration for unemployment assistance was 11.7 percent. Inflation was 7.5 percent during the year, while real Gross Domestic Product grew at an estimated 3.2 percent rate.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Police in several cases allegedly used excessive force against detainees. An ombudsman dealt with human rights problems, including citizenship cases. Credible sources alleged that media self-censorship existed as a result of indirect political and economic pressures. Violence against women was a problem. National minorities (including former Yugoslav residents without legal status) reported some governmental and societal discrimination. Trafficking in women through and to the country for sexual exploitation was a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union in May 2004. Slovenia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, human rights observers alleged that police in several cases used excessive force against detainees. The Criminal Code does not separate out torture as a criminal act, but such crimes are prosecuted based on the nature of each incident (i.e., severe physical injury, extreme injury, or extortion of a statement).

There were no reported incidents of police abuse against Roma.

The claims of police beatings of Danko Brajdic, a Rom, all were dismissed as groundless, and the case was closed in 2001.

Prison conditions generally met international standards; however, jails were overcrowded. During the year, there were 1,710 individuals housed in prisons, of which 65 were adult females and 13 were juveniles. Male and female prisoners were held separately, juvenile offenders were held separately from adults, and convicted criminals were held separately from pretrial detainees.

The Government permitted prison visits by independent human rights observers and the media, and such visits took place during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Persons detained in excess of 2 years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial (see Section 1.e.). During the year, 1,221 persons were in pretrial detention. The problem of lengthy pretrial detention was not widespread and defendants generally were released on bail, except in the most serious criminal cases. The law also provides safeguards against self-incrimination.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary generally provided citizens with a fair and efficient judicial process.

The judicial system consists of district courts, regional courts, courts of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation, treaties, and international agreements and is the highest level of appeal for administrative procedures. Judges, elected by the National Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Constitutional provisions include equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, and the State provides counsel for the indigent. These rights were generally respected in practice, although the judicial system was overburdened and as a result, the judicial process frequently was protracted. In some instances, criminal cases reportedly have taken from 2 to 5 years to conclude the trial (see Section 1.d.). For example, a nongovernmental organization (NGO) criticized the Government for prosecuting two police officers 6 years after their alleged mistreatment of a German citizen.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, “personal data rights,” and the inviolability of the home, mail, and other means of communication, and the Government generally respected these rights and protections in practice. Violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were reports that indirect political and economic pressures continued to influence the media, resulting in occasional self-censorship. There were credible reports that advertisers pressured media outlets to present various issues in certain ways, which resulted in little separation of marketing and editorial decision-making.

The press was active and independent; however, major media did not represent a broad range of political or ethnic interests. Four major independent daily and several weekly newspapers were published. The major print media were supported through private investment and advertising, although cultural publications and book publishing received government subsidies. Numerous foreign broadcasts were available via satellite and cable. All major towns had radio stations and cable television. Numerous business and academic publications were available. A newspaper was published for the ethnic Italian minority who lived on the Adriatic Coast. Bosnian refugees and the Albanian community had newsletters in their own languages. Foreign newspapers, magazines, and journals were widely available.

Six national television channels were available. Three were part of the Government-subsidized RTV Slovenia network, and three were independent, private stations. There were approximately 35 small, local television stations, and the RTV Maribor studio began regional programming in September, which included new programming in Hungarian. There was also an Italian-language television channel. Radio programming was available in Slovene, Italian, Hungarian, English, and German.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely provided public figures and opinion makers from across the political spectrum access to a broad range of programming and advertising opportunities.

In August the ongoing investigation into the February 2001 beating of investigative journalist Miro Petek was transferred from jurisdiction in the town of Slovenj Gradec, where the attack took place, to Maribor. The State Prosecutor indicated that the Slovenj Gradec prosecution office had worked in a "fair and competent" manner but chose to withdraw from the case due to pressure from "the public, media, and personal contacts." While some hoped the case could be handed over to a team of prosecutors for special cases, due to the publicity surrounding it, the required legal basis for doing so—proof that the attack was masterminded and committed by an organized criminal cartel—could not be established. The attack also was under separate investigation by a special Parliamentary commission.

Access to the Internet was unrestricted.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education, and the Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There were no formal requirements for recognition as a religion by the Government. Religious communities must register with the Government's Office for Religious Communities if they wish to be registered as legal entities, and registration entitles such groups to value-added tax rebates on a quarterly basis. All groups in the country reported equal access to registration and tax rebate status.

After World War II, much church property owned by the Roman Catholic Church—church buildings and support buildings, residences, businesses, and forests—was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament enacted a law calling for denationalization (restitution or compensation) within a fixed period. By September 79 percent of the 37,988 denationalization claims had been resolved completely. During the year, the Government reallocated existing resources, including judges, to reduce the backlog.

The appropriate role for religious instruction in schools continued to be an issue of debate. The Constitution states that parents were entitled to give their children "a moral and religious upbringing." Only those schools supported by religious bodies teach religion.

On October 14, two plain clothes police officers arrested Amela Djogic, the wife of Mufti Osman Djogic, for failing to produce proper identification documents when requested to do so. She was released with a fine and an official warning once her husband brought her passport to the police station. The Djogics accused authorities of having singled her out for such treatment because she was wearing a headscarf. After investigating the issue, a special police commission concluded on November 5 that the officers acted improperly. New guidelines for police identification procedures were implemented and all officers immediately were informed of new conduct regulations.

The unresolved issue of a site for construction of a Ljubljana mosque and cultural complex gained increased media attention at the end of the year, with both supportive editorials and negative stereotyping appearing in the national media.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Limitations on these rights may be made only by

statute and only where necessary in criminal cases, to control infectious disease, or in wartime.

The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government has provided asylum (or temporary protection) to refugees on a very limited basis; the country had granted refugee status to only 8 persons since 1990. The issue of the provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared prosecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for elections at least every 4 years. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

In the November elections, none of the nine presidential candidates won a simple majority. In the December runoff election, Janez Drnovsek was elected.

There were no restrictions on the participation of women or minorities in politics. There were 12 women in the 90-seat Parliament and 3 women in the 40-seat National Council. A total of 3 of 16 cabinet ministers were female. Barbara Brezigar, the primary challenger among the presidential candidates, was well supported throughout the country, and received 44 percent of the popular vote.

The Constitution provides autochthonous minorities some special rights and protections. Only the Italian and Hungarian minorities are considered to be autochthonous, a legal term that applies to populations that historically have occupied a defined territory and is similar in concept to the term indigenous. These minorities were entitled to have at least one representative in the Parliament, regardless of their population; other minority groups not defined as autochthonous, such as Roma, did not enjoy this provision. However, in May Parliament enacted amendments to the Law on Local Elections that provide Romani communities located in 14 municipalities a directly elected representative on their respective local councils.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international independent human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

An independent Ombudsman elected by a two-thirds Parliamentary majority to a 6-year term deals with human rights problems, including economic rights and property restitution. The incumbent is regarded as fair but lacks the power to enforce his findings. The Ombudsman criticized the Government for the slow pace of legal and administrative proceedings in criminal and civil cases, as well as in denationalization proceedings.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law regardless of race, sex, disability, language, or social status. The Constitution provides special rights for the autochthonous Italian and Hungarian ethnic communities, and for the small Roma community; these provisions were respected in practice.

Women.—Violence against women occurred and was underreported; however, awareness of spousal abuse and violence against women increased. SOS Phone, an NGO that provided anonymous emergency counseling and services to domestic violence victims, received thousands of calls throughout the year. The State partially funded three shelters for battered women. The shelters operated at capacity (approximately 40 beds combined) and turned away numerous women. In cases of reported spousal abuse or violence, the police actively intervened and prosecuted offenders. Although the law allows police to fine or arrest either male or female aggressors in cases of domestic violence, reports indicated that in practice only men were fined and arrested.

Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.).

Sexual harassment is not explicitly prohibited by law; however, it can be prosecuted under sections of the Criminal Code that prohibit sexual abuse. Sexual harassment and violence remained serious problems.

State policy provides for equal rights for women and there was no official discrimination against women or minorities in housing, jobs, or education. Under the Constitution, marriage is based on the equality of both spouses, and the Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bore a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently were active in business and in government executive departments. Although both sexes had the same average period of unemployment, women frequently held lower paying jobs. On average women's earnings were 85 percent of those of men.

Children.—The Government provided compulsory, free, and universal primary school education for children through grade 9 (ages 14 and 15). Ministry of Education statistics showed an attendance rate of nearly 100 percent of school-aged children. The Government provided universal health care for all citizens, including children. The Constitution stipulates that children “enjoy human rights and fundamental freedoms consistent with their age and level of maturity.”

Special protection for children from exploitation and mistreatment is provided by statute. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

There was no societal pattern of abuse of children; however, in 2001 187 cases of child abuse were reported, 80 were prosecuted, and 55 cases resulted in convictions. There were 239 acts of sexual attack on a minor committed during the year.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, and in practice the Government generally did not discriminate against disabled persons in employment, education, or the provision of other state services.

The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. Modifications of public and private structures to ease access by persons with disabilities continued, although at a slow pace.

National/Racial/Ethnic Minorities.—According to the 1991 census, the population was 1.9 million: 88 percent were ethnic Slovenes, and minorities made up approximately 12 percent of the population. Most minorities were nationals of the former Yugoslavia. There were approximately 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians. The Constitution provides special rights and protections to Italians and Hungarians, including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges (*see* Section 3). Ethnic Serbs, Croats, Bosnians, Kosovar Albanians, and Roma from Kosovo and Albania were considered new minorities, were not protected by special provisions of the Constitution, and faced some governmental and societal discrimination.

The Ministry of Interior (MOI) approved 2,808 applications for citizenship, refused 573, and left 4,670 (58 percent) outstanding at year's end.

For many years, approximately 2,300 persons granted “temporary refugee” status after fleeing the 1992–95 conflict in Bosnia were unable to normalize their status under existing legal requirements but were entitled only to limited educational, medical, employment, and social welfare benefits. In July Parliament resolved this problem by amending the Law on Temporary Refuge, creating a 6-month window in which these persons may apply for permanent residency using an abbreviated procedure and providing integration assistance over a defined transition period.

The Roma were best characterized as a set of groups rather than as one community. Some families have lived in the country for hundreds of years, while others were recent migrants. Roma reported discrimination in employment, which in turn complicated their housing situation. The Government continued to work with the Roma community on implementation of the special legislation on Romani status called for in Article 65 of the Constitution (*see* Section 3). The Government has attempted to involve more Roma children in formal education at the earliest stages, both through enrichment programs and through inclusion in public kindergartens. Roma suffered disproportionately from poverty and unemployment.

Section 6. Worker Rights

a. The Right of Association.—The Constitution stipulates that trade unions, their operation, and their membership shall be free. All workers, except police and military personnel, were eligible to form and join labor organizations.

There were three main labor federations, the Association of Free Slovene Trade Unions (AFSTU), Pergram, and the Union of Slovene Rail Workers, with constituent

branches throughout the country. A fourth, much smaller, regional labor union operated on the Adriatic coast. Unions formally and in practice were independent of the Government and political parties, although individual union members held positions in the legislature. There were more than 100 active trade unions in the country. The largest union, AFSTU, had approximately 370,000 members, nearly 38 percent of the total workforce of 979,000. Pergram had roughly 25,000 members and the Rail Workers Union had approximately 8,000 members.

The law prohibits antiunion discrimination and there were no reports that it occurred.

There were no restrictions on unions joining or forming federations and affiliating with international union organizations.

b. The Right to Organize and Bargain Collectively.—The Government exercised a dominant role in setting the minimum wage and conditions of work; however, in the private sector, wages and working conditions were agreed upon in an annual general collective agreement between the labor unions and the Chamber of Economy. Collective bargaining remained limited.

The Economic and Social Council, comprised of government officials, managers, and union representatives, negotiated public sector wages, collective bargaining rules, and major regulatory changes. Of the 40 members of the upper chamber of Parliament—the National Council—four represented employers, four represented employees, and four represented farmers, small business persons, and independent professional persons. If a labor dispute remains unresolved, it initially is heard by district-level administrative courts and may be appealed to the Supreme or Constitutional Court, depending on the nature of the complaint.

The Constitution provides for the right to strike. The law restricts strikes by some public sector employees, primarily the police and members of the military services. Other public sector professionals, such as judges, doctors, and educators, continued to be active in labor issues. Both physicians and air traffic controllers, who were public employees, conducted strikes during the year.

Export processing zones (EPZs) existed in Koper, Maribor, and Nova Gorica. Worker rights in the EPZs were the same as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment was 16, although during the harvest season or for other farm chores, younger children did engage in labor. In general urban employers generally respected the age limits.

In May the ILO Convention 182 on the Worst Forms of Child Labor entered into force. The Government had ratified it in March 2001.

e. Acceptable Conditions of Work.—The gross monthly minimum wage was approximately \$437 (101,611 tolar), which provides a decent standard of living for a worker and family. Parliament adopted a new Labor Law on April 25, to reduce the work week from 42 to 40 hours and increase the minimum annual leave from 18 to 20 days. It also requires all job vacancies to be announced publicly for at least 8 days, and provides guidelines to ensure fair hiring processes, among other procedural developments. The law is scheduled to take effect in January 2003.

Special commissions controlled by the Ministries of Health and Labor set and enforced standards for occupational health and safety. Workers had the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, trafficking of women through and to the country was a problem. The law on “enslavement” prescribes criminal prosecution for a person who “brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party,” or brokers such a deal.

Government officials generally were not involved in trafficking, although there was anecdotal evidence that some government officials tolerated trafficking at the local level.

In 2000 the Government apprehended a suspected organized-crime boss whose alleged crimes included trafficking in persons; his trial was ongoing at year’s end. Victims were not encouraged to file complaints, and very few cases were reported to the police. The Government did not provide protection for victims and witnesses. In 2001 the Government established a National Coordinator for Trafficking in Persons and an interagency working group that based its activities on the National Strategy to combat trafficking.

The country was primarily a transit point for trafficking in persons, although it was also a destination country. Most victims were women trafficked into sexual ex-

ploitation from Ukraine, the Czech Republic, Slovakia, Moldova, Russia, Romania, and Bulgaria. They were trafficked into the country and also onward to Italy, Belgium, and the Netherlands. Slovenia was also a country of origin, but the number of women trafficked out of the country was not known and was believed to be very low.

Many women trafficked into the country were promised work as waitresses or artists in nightclubs. It was common for nightclub owners to import illegally foreign nationals into the country and arrange work permits for them as auxiliary workers and dancers. Often the promised work did not provide enough money, so the women were encouraged to turn to prostitution. Women who were victims of trafficking reportedly were subjected to violence. Organized crime was responsible for some of the trafficking. In general victims trafficked into the country were not treated as criminals; however, they usually were deported either immediately upon apprehension or following their testimony in court.

Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for rape, pimping, procurement of sexual acts, inducement into prostitution, sexual assault, and other related offenses. The penalty ranges from 3 months' to 5 years' imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years' imprisonment. Regional police directorates had departments that investigated trafficking and organized crime.

Although the Government did not provide protection services, NGOs operated safe houses and counseling services for female victims of violence. These generally were full, and NGOs reported that a trafficking victim would not be given shelter unless she was in immediate danger. Victims of trafficking who did not have proper identity documents were given shelter at a refugee center until they could be returned to their native country. The domestic NGO Kljuc continued to work to increase public awareness of the trafficking problem, to draft a specific law against trafficking, to assist trafficked women returning home, and to improve networking among other NGOs in the region.

In an effort to prevent trafficking, the Ministry of Interior produced pamphlets and other informational materials for awareness-raising programs to sensitize potential target populations to the dangers of and approaches used by traffickers. The Ministry also worked with NGOs to assist the small number of Slovene victims with reintegration.

SPAIN

Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. In March 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections must be held by March 2004. The judiciary is independent.

Internal security responsibilities were divided among the National Police, which were responsible for security in urban areas; the Civil Guard, which policed rural areas and controlled borders and highways; and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. While the security forces generally were under the effective control of civilian authorities, some members of the security forces committed human rights abuses.

The market-based economy, with primary reliance on private enterprise, provided the population of over 41 million with a high standard of living. The economy grew during the third quarter at a 1.7 percent annual rate. The annual inflation rate was 4 percent at year's end. Unemployment increased to 11.4 percent during the year, ending its downward trend.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provide effective means of dealing with cases of individual abuse. There were reports that at times security forces abused detainees and mistreated foreigners and illegal immigrants. According to Amnesty International (AI), government investigations of such abuses often were lengthy and punishments were light. Lengthy pretrial detention and delays in trials were sometimes problems. Violence against women was a problem, which the Government took steps to address. Women also faced some discrimination in the workplace. Societal discrimination against Roma and immigrants remained a problem, as did occasional violence against immigrants. Trafficking in women and teenage girls for the purpose of prostitution was a problem. Spain was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The terrorist group ETA (Basque Fatherland and Liberty) continued its campaign of shootings and bombings, killing four persons during the year. ETA sympathizers also continued a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists. Judicial proceedings against members of ETA continued, and Spanish and French police arrested dozens of suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings and shootings, killing four persons during the year. ETA publicly claimed responsibility for its attacks. On March 21, ETA shot and killed a Socialist councilman in the Basque town of Orío. On July 4, an ETA car bomb killed a civilian and a 6-year old girl in Santa Pola. On September 4, a bomb hidden in a banner supporting ETA's political wing, Batasuna, killed a Civil Guard member who was trying to take down the banner.

The Government continued to pursue legal actions against ETA members. The courts convicted and sentenced at least eight ETA members during the year. In July the National High Court sentenced Jose Maria Novoa, Igor Martinez de Osaba, and Alicia Saez de la Cuesta to 29 years each in prison for the murder of a Civil Guard officer in 1998. Idoia Lopez Riano was sentenced to 87 years' imprisonment for her participation in an attack that killed three persons in 1986; she later was sentenced to 53 years in prison for her participation in the murder of a National Policeman in 1985. In August the court sentenced Santiago Arrospide to 36 years and Jose Maria Dorronsor to 26 years in prison for the attack on a National Police patrol in 1987. Former ETA leader Francisco Mugica and explosives expert Jose Maria Arregui were sentenced to 743 years in prison each as accomplices in the attack on a military bus in Zaragoza in 1987 in which 2 people were killed and 28 were injured.

By year's end, police had arrested 123 ETA members and had dismantled 16 ETA commands. Authorities in France, the Netherlands, Uruguay, Switzerland, and Venezuela have arrested, and in some cases extradited to Spain, ETA members.

Several organizations were dedicated to the concerns of victims of terrorism, among them the Association of Victims of Terrorism (AVT). The AVT served 2,000 families, providing legal and psychological counseling. The Government supported its work. Under a 1999 law, the Government has compensated directly victims of terrorism and their families, including victims of the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL) in the 1980s.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, suspects charged with terrorism at times asserted that they were abused during detention, and at times other detainees. AI continued to criticize the Government for reports of brutality by security forces, particularly directed at foreigners and illegal immigrants. Human Rights Watch and AI also reported that police abused undocumented Moroccan minors (*see* Section 5). In April AI issued a report titled, "Spain, Identity Crisis, Torture from Security Forces," which included examples of torture and mistreatment by police based on racial problems.

According to AI, in January police beat U.S. citizen Rodney Mack, a musician with a Barcelona orchestra. AI reports indicated Mack mistakenly was arrested for car theft and officers only identified themselves as police after they had mistreated him. Mack and the police had complaints pending against each other at year's end.

The formal complaint of torture filed with the National High Court by Iratxe Sorzabal Diaz, an ETA suspect expelled from France, against Civil Guards remained pending at year's end.

The Government investigated allegations of torture; however, in a November report on impunity and mistreatment done for the U.N. Committee Against Torture, AI criticized the judicial process for law enforcement officials accused of torture or mistreatment.

In addition to killings, ETA bombings and attempted bombings caused numerous injuries and property damage. Several of these attempts were directed at the tourist industry, including two June car bombings in Malaga, one in Zaragoza, and another in Santander. In August ETA bombed a restaurant in Valencia. In addition to at-

tacks in tourist zones, ETA set off a car bomb in Bilbao in January, and in February a young socialist councilman lost a leg in Sestao when a bomb placed in his car exploded. Also in February, a councilman and his escort were injured in an ETA attack. During April and May, ETA set off three car bombs in Getxo. In September two ETA members died when their backpacks carrying explosives accidentally blew up. In October ETA attacked with grenades the headquarters of the Civil Guard in Urdax. As of December, the police had arrested 194 persons in connection with street violence by ETA sympathizers.

There were reports that police abused persons during political demonstrations (*see* Section 2.b.).

Prison conditions generally met international standards. However, prison unions criticized the overcrowding of prisons, which, they stated, caused an increase in the number of violent incidents. In a report compiled by the Coordinator of Solidarity with Imprisoned Persons, an umbrella prison rights nongovernmental organization (NGO), prisoners claimed they were tortured and mistreated because of their race.

In the prison system, women were held separately from men; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government permits prison visits by independent human rights monitors, but no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days—or a total of 5 days—without a hearing. A judge may authorize incommunicado detention for terrorism suspects. AI and other NGOs have criticized this provision.

At times pretrial detention was lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody usually was less than a year. By year's end, approximately 23 percent of the prison population was in pretrial detention (11,975 out of 52,049 inmates), although that number included convicted prisoners whose cases were on appeal.

The law on aliens permits the detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting (*see* Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There was a nine-person jury system. Defendants have the right to be represented by an attorney (at state expense for the indigent). Defendants were released on bail unless the court believed that they may flee or be a threat to public safety. Following a conviction, defendants may appeal to the next higher court.

The law calls for an expeditious judicial hearing following arrest; however, the judicial process often was lengthy (*see* Section 1.d.). In cases of petty crime, suspects released on bail sometimes waited up to 5 years for trial. There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Under the Criminal Code, the authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. However, the antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in “cases of emergency.”

The parents or legal guardians of a person with mental disabilities may petition a judge for sterilization of that person (*see* Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, were reflected freely and widely in the media.

The country had an active and independent media, with numerous newspapers, television, and radio stations at the local, regional and national level. Access to the Internet was unrestricted.

ETA and its sympathizers continued their violent campaign of intimidation against political, press, and academic professionals and organizations in the Basque country (see Sections 1.a. and 1.c.). These attacks included package bombs sent in January to the vice president of the media group Correo, Enrique Ibarra; to the director of radio network RNE; and to Marisa Guerrero of radio network Antenna 3. Security forces deactivated all bombs. According to a study done by the University of the Basque Country, 10 percent of the radio and TV journalists who work in the Basque Country have received threats by ETA. Various organizations including the World Association of Newspapers, the World Editors Forum, the International Press Institute, and Reporters Without Borders have criticized the ETA for its assaults on civil liberties and have denounced the conditions of “threat and fear” under which journalists work in the Basque Country.

The Government did not restrict academic freedom. ETA and elements of radical Basque nationalism continued to intimidate and pressure unsympathetic academics to leave the region.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements but enjoyed fewer privileges. Other recognized religions, such as Jehovah’s Witnesses and the Church of Jesus Christ of Latter-Day Saints (Mormons), were covered by constitutional protections but had no special agreements with the Government.

The law establishes a legal regime and certain privileges for religious organizations to benefit from this regime, religious organizations must be entered in the Register of Religious Entities maintained by the General Directorate of Religious Affairs in the Ministry of Justice. To register with the Ministry of Justice, religious groups must submit documentation supporting their claim to be religions. If a group’s application is rejected, it may appeal the decision to the courts. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations.

Leaders of the Protestant, Muslim, and Jewish communities reported that they continued to press the Government for comparable privileges to those enjoyed by the Catholic Church. Protestant and Muslim leaders would like their communities to receive government support through an income tax allocation or other designation.

The growth of the country’s immigrant population at times led to social friction, which in isolated instances had a religious component. In May arsonists burned an evangelical church in the town of Arganda del Rey, in the Madrid Autonomous Community. The church, whose congregation was predominantly Romanian, previously had been vandalized with anti-immigrant graffiti. Police arrested four youths, who according to the local mayor were associated with an ultra-right group. The arrival of large Muslim religious groups in the Catalonia region presented social problems particularly when it came to building mosques in the region. For example, in Premia de Mar, a small town north of Barcelona which became the center of confrontations between immigrants and local citizens, 5,500 Catalans gathered to protest against the construction of a mosque. An agreement was eventually signed to build the mosque in a less centrally located site. Other examples of towns where citizens refused to permit the construction of mosques are the towns of Lleida, Vendrell, Cervera and Badalona. The NGO SOS Racism commented that these events indicated a growing fear of Islam in Catalonia.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and law provide for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum-seekers. Under the law, asylum requests are adjudicated in a two-stage process, with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing. The CIAR included representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a non-voting member of the UNHCR. The Minister of the Interior must approve the decision of the CIAR in each case. According to provisional statistics as of June, of the 3,748 applications for asylum during the year, the Government granted 135 persons asylum status and admitted 45 others for humanitarian or other reasons. The largest number of applicants came from Colombia, Nigeria, Algeria, Sierra Leone, and Cuba. The law provides for first asylum, but the issue of first asylum did not arise during the year. The UNHCR advised authorities throughout the asylum process. Applicants for asylum had the right to have their applications sent immediately to the local office of the UNHCR. The authorities were not bound by the judgment of the UNHCR in individual cases, but they often reevaluated decisions with which the UNHCR did not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside, as well as within the country. Anyone can request asylum from a Spanish diplomatic or consular representative outside the country. Illegal immigrants were permitted to apply for asylum. Those who lacked visas or permission to enter the country may apply at the border or port of entry; the applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases where persons apply inside the country, a decision must be reached within 2 months, but in cases where persons apply at a port of entry, this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours.

In February the Constitutional Court ruled that the Government's practice of detaining asylum applicants at border posts pending processing of their requests did not violate the Constitution.

The Ombudsman also expressed his concern over the high percentage of applications not admitted for processing (approximately 93.5 percent during the year). However, many persons with falsified documents were rejected early in the process. Many such applicants came from politically stable but economically impoverished countries.

Applicants had the right by law to free legal assistance, regardless of where they are when they apply for asylum. This assistance was available from the first step in the process through any appeals of unfavorable decisions. The applicant also had the right to the assistance of translators and interpreters, and the OAR admitted documents in any language without requiring an official translation.

There was no distinction between asylum status and refugee status. Regulatory changes in 2001 redefined the basis for admission on humanitarian grounds for certain applicants who do not meet the requirements of the 1951 Convention. Those granted admission for humanitarian reasons must renew their status annually. The law allows the applicant a 15-day grace period in which to leave the country if refugee status or asylum is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begins after 15 days.

During the year, the Government finished the regularization process initiated in 2001. Of the 352,346 applications presented, 238,872 were approved, 87,808 were denied, and the rest were put on hold for lack of information from the applicant. During the year, the Government approved a quota of 30,000 foreign workers (20,000 of them were to be seasonal workers). Country selection will be based first on the requirements of potential Spanish employers, and secondly, upon the countries with whom the Government has employment cooperation agreements (Ecuador, Dominican Republic, Colombia, Poland, and Romania).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In March 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections must be held by March 2004.

Governmental power was shared between the central government and 17 regional "autonomous communities." Local nationalist parties gave political expression to regional linguistic and cultural identities.

Women participated actively in government and politics. Of 15 Cabinet Ministers, three were women. The Speaker of the Chamber of Deputies was a woman. The number of female Members of Parliament increased after the 2000 elections; of the 350 members of the lower house, 109 were women. Of 259 Senators, 66 were women. One of the country's two EU Commissioners was a woman. At year's end, 20 of the 64 Spanish members of the European Parliament were women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Human rights NGOs included the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalonia in Barcelona.

The Constitution provides for an ombudsman, called the "People's Defender," whose duties include actively investigating complaints of human rights abuses by the authorities. The ombudsman operated independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress of Deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons, and may refer cases to the courts on his own authority. The ombudsman had a staff of approximately 150 persons and received approximately 21,192 complaints during the year. The majority of the complaints pertained to health and social services, integration and shelter services for immigrants, moving of imprisoned persons from one penitentiary to another, and lack of adequate facilities in such penitentiaries. Government agencies were responsive to the ombudsman's recommendations. Several of the autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, and discrimination on the basis of sex, race, ethnicity, nationality, disability or ideology is illegal; however, social discrimination against Roma and immigrants continued to be problems. The Government continued to take steps to reduce violence against women.

Women.—Violence against women, particularly domestic violence, remained a problem. According to the Government, 52 women and 19 men were killed as a result of domestic violence during the year, compared with at least 42 women and 3 men in 2001. During the year, women filed 7,295 criminal complaints and 22,904 misdemeanor complaints against their husbands or male partners. In 2001 women filed 5,983 such criminal complaints and 18,175 such misdemeanor complaints.

The law prohibits rape and spousal abuse. Police received 1,219 reports of rape in 2001. In May 2001, the Government initiated its second Plan Against Domestic Violence, with a budget of \$72 million over 4 years. The four principal areas outlined in the plan were preventive education; judicial regulations and practices to protect victims and increase the penalty for abusers; the extension of social services for abused women to all parts of the country; and increased coordination among the agencies and organizations involved in preventing domestic violence. There were 54 Civil Guard units that assisted battered women and 43 similar units in the National Police. There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hotline that advised women where to find local assistance or shelter operated during the year.

Trafficking in women and children for the purpose of prostitution was a problem (see Section 6.f.).

The law prohibits sexual harassment in the workplace; however, there were complaints of sexual harassment. Although prohibited by law, discrimination in the workplace and in hiring practices persisted.

Discriminatory wage differentials continued to exist. A 2001 report by the General Workers' Union showed that women's salaries were 28 percent less than those of their male counterparts. In addition, the Minister of Social Affairs reported that, while as of September 30, women constituted 37.55 percent of the work force, they held only 18.09 percent of senior management positions in the third quarter of the year. The female unemployment rate was 17.3 percent by year's end, up from 15.5 percent in 2001; this was more than twice the 8.5 percent rate for men. Women outnumbered men in the legal, journalism, and health care professions but still played minor roles in many other fields.

Employers were exempted from paying social security benefits to temporary workers who substituted for workers on leave for maternity, child adoption, or similar circumstances. A ministerial order to increase women's presence in sectors in which they are underrepresented provided a 2-year reprieve from paying social security taxes to employers who hired women in these sectors. The 2002 National Employment Action Plan gave priority to battered women who searched for employment.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Education was compulsory until age 16 and free until age 18. Many Romani children did not attend school on a regular basis and some complained of harassment in schools.

The Constitution obligates both the State and parents to protect children. The Ministries of Health and Social Affairs were responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGOs promoted children's rights and welfare, often through government-funded projects. Several of the Autonomous Communities had an office of the Defender of Children, an independent, nonpartisan agency charged with defending children's rights. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

There appears to be no societal pattern of abuse of children. The 1995 Law of the Child gave legal rights of testimony to minors in child abuse cases; it also obliged all citizens to act on cases of suspected child abuse.

Trafficking in teenage girls for prostitution was a problem (*see* Section 6.f.).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime. AI reported in a report released during the year that police abused undocumented Moroccan minors, especially in the Spanish North African enclaves of Ceuta and Melilla, and that some undocumented minors were returned to Morocco without sufficient concern for their welfare.

Persons with Disabilities.—The Constitution calls for the State to provide for the adequate treatment and care of persons with disabilities, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differed from region to region and have not improved in many areas. Nevertheless there were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services.

The law continued to permit parents or legal representatives of a person with mental disabilities to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of persons with mental disabilities did not constitute a violation of the Constitution. In practice many courts in the past have authorized such surgery.

The Government subsidized companies that employed persons with disabilities. The Government mandated that all businesses that employed more than 50 persons either hire persons with disabilities for at least two percent of their workforce, or subcontract a portion of their work to special centers that employed persons with disabilities. According to an NGO that advocates on behalf of persons with disabilities, not all companies complied with this regulation, primarily because they did not know the law. New regulatory legislation for companies that want to have access to public contracts will make companies aware of their obligations under the law.

National/Racial/Ethnic Minorities.—Public opinion surveys indicated the continued presence of racism and xenophobia, which resulted in discrimination and, at times, violence against minorities. A June report by the NGO SOS Racism indicated

that electoral use of immigration issues has favored the proliferation of extreme right and neo-Nazi groups. In 2001 there were occasional reports of attacks against immigrants, some of which were attributed to quasi-organized right-wing youth groups.

Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. According to the national NGO Secretariado General Gitano, approximately 46 percent of Roma adults were unemployed. Roma occupied the majority of the country's sub-standard housing units. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding.

According to a 2000 study of primary education by the Gypsy General Secretariat Association (ASGG), an NGO, Roma children lagged significantly behind the general population in several areas, including integration into school routines and social interaction with other children, and lacked family support for education. Roma truancy and dropout rates remained significantly above average. However, the study showed improvements over the results of a similar study done in 1994, especially in early school access (94 percent entered school at age 6) and academic achievement (44 percent finished secondary level).

A language or dialect other than Castilian Spanish is used in six of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state"; however, it also provides that other languages also may be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall . . . be protected." Laws in the Autonomous Communities of the Basque Country, Galicia, and Valencia require the community governments to promote their respective regional languages in schools and at official functions.

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional government. Spanish-speaking citizens had the right to be addressed in Spanish by public officials. The legislation also established minimum quotas for Catalan-language radio and television programming. Some controversy continued over the implementing legislation and related regulatory measures.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws ensure that all workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 18 percent of the workforce was unionized. Under the Constitution, trade unions are free to choose their representatives, determine their policies, and represent their members' interests. Unions were not restricted or harassed by the Government and were independent of political parties. The two main labor federations were the Workers' Committees (Comisiones Obreras) and the General Union of Workers (Union General de Trabajadores).

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. Approximately 30.7 percent of all employees were under temporary contracts at year's end.

Unions are free to form or join federations and affiliate with international bodies and did so without hindrance.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, including for all workers in the public sector except military personnel, and unions exercised this right in practice. Public sector collective bargaining in 1990 was broadened to include salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 82.79 percent of workers, even though only approximately 18 percent of workers were union members.

The Constitution provides for the right to strike. A strike in non-essential services was legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The Constitu-

tional Court has interpreted the right to strike to include general strikes called to protest government policy. According to the National Business Association, as of September 30, there had been 358 strikes, with approximately 2.4 million participants and 3 million lost workdays. The law prohibits retaliation against strikers.

National unions (UGT and CCOO) called for a general strike on June 20 to protest against the labor law reform proposed by the Government. Estimates of the level of participation in it varied from 17 percent of the work force, according to the Government, to 80 percent of the work force, according to the unions.

Labor regulations and practices in free trade zones and export processing zones were the same as in the rest of the country. Union membership in these zones reportedly was higher than the average throughout the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for the employment of children is 16 years old. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

e. Acceptable Conditions of Work.—Each year the Government revises its minimum wage for workers over age 18, in line with the consumer price index. In December the Government raised the minimum wage for 2003 by two percent, to \$482 (451.2 euros) monthly or \$16 (15.04 euros) daily. The national minimum wage provided a decent standard of living for a worker and family. The Ministry of Labor effectively enforced the minimum wage. The law sets a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers enjoyed 12 paid holidays a year and 1 month's paid vacation.

The National Institute of Safety and Health in the Ministry of Labor and Social Security had technical responsibility for developing labor standards, but the Inspectorate of Labor had responsibility for enforcing the legislation through judicial action when infractions are found. Unions have criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have firm legal protection for filing complaints about hazardous conditions, but easily replaced temporary workers may be reluctant to use this protection for fear of losing their jobs.

Unions and immigrant rights NGOs reported that illegal immigrants often worked for sub-standard pay and in sub-standard conditions, mainly in agriculture. The Inspectorate of Labor reported 7,501 cases of labor rights violations related to immigrants during 2001, and 5,545 such violations in the first 9 months of the year. Illegal aliens did not have the right to join unions or to strike.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and teenage girls remained a problem. There were few reports of trafficking in younger minors.

The law defines trafficking as a criminal offense. The penalty for trafficking is 2 to 4 years' imprisonment and a fine, or 6 to 12 years if the crime is committed by a public official. The exploitation of prostitutes through coercion or fraud and the exploitation of workers in general also were illegal, although prostitution itself is legal. Trafficking in workers was punishable by 2 to 5 years' imprisonment and a fine. During the year, law enforcement agencies arrested more than 1,844 individuals involved in some aspect of trafficking in persons or migrant smuggling.

The Government specifically targets trafficking as part of its broader plan to control immigration; for example, the police actively pursued and prosecuted organized crime groups who used false identity documentation for immigrant smuggling of all kinds, including trafficking. Within the Interior Ministry, the National Police Corps had primary responsibility for all matters pertaining to immigration, including trafficking. Regional authorities also participated in fighting organized criminal activity, including trafficking. In addition, the Interior Ministry chaired an interagency committee on all immigration issues, including trafficking. The Ministries of Foreign Affairs, Health, Education, Treasury, and Labor also were members of the committee. The main police school gave courses on trafficking issues, such as the recognition of fake documents and the best ways to identify traffickers.

Women were trafficked primarily from Latin America (Colombia, Dominican Republic, Brazil), East European countries, sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were

trafficked to a much lesser degree, and more often for work other than prostitution. Trafficking involved almost exclusively the importation of women for prostitution, although there were reports of occasional cases in which victims were employed in other work, including agriculture and sweatshops. Trafficked women were usually 18 to 30 years of age, but sometimes were girls as young as age 16.

Traffickers used coercion, including confiscation of documents, violence, and threats against family members to keep victims working in prostitution. As a group, women from Eastern Europe reportedly were subject to more severe violence and threats by traffickers. Some victims from sub-Saharan Africa reportedly were sold to traffickers by members of their own families. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture and then forced them into prostitution upon their arrival in the country.

The law allows for trafficked persons to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition, regional and local governments provided assistance either directly or through NGOs.

Project Hope, a program backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid and provided assistance with medical and legal services and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many of its referrals directly from police.

SWEDEN

Sweden is a constitutional monarchy and a multiparty parliamentary democracy. The King is Head of State. The Cabinet, headed by the Prime Minister, exercises executive authority. The judiciary is independent.

The Government maintains effective control of the police, all security organizations, and the armed forces. The police provide internal security and the military provide external security.

The country has an advanced industrial economy, mainly market based, with a total population of approximately 8.92 million. Citizens enjoy a high standard of living, with extensive social welfare services.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. There were no reports of the use of excessive force by police. The Government has longstanding programs to deal with violence against women and abuse of children. Trafficking in women and children was a problem, but it received high priority by the Government. Sweden was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Chief Prosecutor's investigation into the 2000 death of Peter Andersson, who died after his arrest in Orebro, was reopened in March 2001 and remained pending at year's end.

A commission of inquiry appointed in 2000 to look into past deaths in custody issued a report critical of the police, prosecutors, and the coroners handling investigations into such deaths. The report also criticized inadequate cooperation between the authorities involved and accused two policemen of dereliction of duty. The commission also proposed reforms aimed at strengthening the safeguards for those detained. Nongovernmental organizations (NGOs) remained interested in such cases.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that police employed them. In the past, police officers found guilty of abuse typically were suspended, resigned, or otherwise were disciplined.

The prosecutor closed a preliminary investigation without bringing charges against any officer involved in the 2001 police shooting and wounding of three pro-

testers at demonstrations in the city of Gothenburg. In 2001 the Government appointed a committee headed by former Primer Minister Ingvar Carlsson to investigate police actions in Gothenburg, and prosecutors in Stockholm opened an investigation of complaints against four policemen for misconduct. A trial began in September, and the court exonerated the officers in December (*see* Section 2.b.). The police officer in charge of the actions in Gothenburg was charged with breach of duty and unlawful deprivation of freedom, and that case remained pending at year's end.

Prison conditions generally met international standards. Men and women prisoners were held separately. Juveniles were held separately from adults and convicted criminals and pretrial detainees were held separately.

The Government permits visits by independent human rights observers, although there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law requires warrants for arrests. The police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous and within 12 hours against those detained on other grounds. The police may hold a person for questioning for 6 hours, although the period may be extended to 12 hours if necessary for the investigation. If the person is a suspect, the police must decide whether to arrest or release the person. If the suspect is arrested, the prosecutor has 24 hours (or 3 days in exceptional circumstances) to request that the suspect be detained. If arrested, the suspect must be arraigned within 48 hours. The court then sets a date to initiate prosecution, usually within 2 weeks. The prosecutor may extend the time limit for initiating prosecution with judicial review every 2 weeks, which most often occurs in drug-related investigations. Detainees routinely were released pending trial unless they were considered dangerous. Bail does not exist.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is composed of three levels of judicial examination: District courts; a court of appeals; and a Supreme Court. All criminal and civil cases are heard first in district court regardless of the severity of the alleged crime. For some areas there are specialized courts, such as Labor, Water, Real Estate, and Market courts. These courts usually are the second and last instance for trial after the district court.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Defendants have the right to appeal and are presumed innocent until proven guilty.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment. In general the police must obtain court approval for a wiretap and a prosecutor's permission for a search; however, a senior police official may approve a search if time is a critical factor or the case involves a threat to life. The national police and the Prosecutor General's Office submit a report to Parliament each year detailing all of the electronic monitoring done during the previous year.

As a result of the forced sterilization of thousands of persons between 1934–76 (which left the majority of those sterilized with mental or physical disabilities), the Government decided to pay damages of approximately \$24,700 (219,905 SEK) to each victim. By year's end, approximately 2,100 persons had applied for compensation, and approximately 1,600 had received payment. The possibility to apply for damages expired at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, rightwing groups were not permitted to display signs and banners with provocative symbols at their rallies (*see* Section 5).

Most newspapers and periodicals were privately owned. The Government subsidized daily newspapers, regardless of political affiliation. There were 169 daily newspapers and 455 weeklies. Broadcasters operated under a state concession. A variety of commercial television channels (one ground-based and several via satellite or cable) and several commercial radio stations operated.

A quasi-governmental body excised extremely graphic violence from films, television programs, and videos.

Criticism of child pornography was widespread, and the debate on the legality of ownership of pornographic material continued. The law prohibits the possession and handling of child pornography. It also is illegal to publish or distribute such material. The Queen remained a strong and popular advocate of children's rights and an active opponent of child pornography.

Internet access was available widely and was unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of peaceful assembly and association, and the Government generally respected these rights in practice; however, there were some violent clashes between police and protesters during the year. Police require a permit for public demonstrations, but the authorities routinely granted such permits, with rare exceptions to prevent clashes between antagonistic groups or due to insufficient police resources to patrol an event adequately.

In 2001 clashes between police and demonstrators at the EU summit in Gothenburg, police officers shot and injured three demonstrators and also raided a school suspected of housing activists. In December the court exonerated the four police officers charged with criminal misconduct stemming from the Gothenburg riots (see Section 1.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government did not hamper the practice or teaching of any faith.

The country maintained a state (Lutheran) church for several hundred years, supported by a general "church tax," although the Government routinely granted requests from taxpayers for exemptions. There was still an optional church tax, but all churches now receive some state financial support.

Citizens are tolerant of diverse religions practiced in the country; however, there were some cases of anti-Semitic vandalism reported during the year. The Government continued to take proactive steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust. For example, the Government declared January 27, the anniversary of Auschwitz's liberation, as a national day of remembrance.

An investigation into the September 2001 firebombing of a Muslim school in the Stockholm suburbs was closed; no one was charged with the crime.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum. The number of asylum seekers rose notably: During the year, 33,016 persons sought asylum, compared with 23,571 in 2001. Applicants included 5,842 persons from the Federal Republic of Yugoslavia and 5,446 persons from Iraq. The Government approved 7,941 applications in 2001. Applications can remain under consideration for long periods of time with applicants in uncertain status. The appeals process in the courts may extend cases for several years, although there were few such cases.

NGOs continued to complain that the country lacked a transparent process for making decisions in asylum cases. They maintained that the asylum procedures lacked rules to guide the conduct of authorities and to ensure legal protection for asylum seekers. The procedures accorded great discretion to individuals in decision-making positions. According to NGOs, the decision makers used arbitrary, unspecified, and inconsistent criteria. NGOs also criticized the unclear burden of proof and the lack of a process for appeal to an independent court.

The U.N. Committee Against Torture, which criticized Sweden in 2000 and 2001 for decisions by the Migration Board, received one case against the country during the year—from the spouse of an Egyptian asylum seeker forcibly returned to Egypt in December 2001 after his asylum claim had been rejected.

The Government expeditiously returned asylum seekers from EU countries or from countries with which there were reciprocal return agreements. In most cases, persons who were returned expeditiously had passed through or had asylum determinations pending in other EU countries. In many cases, asylum seekers were de-

ported within 72 hours of arrival, and NGOs were critical of their lack of access to legal counsel. To remedy this situation, the Government continued to experiment with pilot programs at selected border crossings to provide expeditious legal assistance.

According to the Migration Board, the cases of the 400 Albanian Kosovars whose applications for permanent residence were pending at the end of 2001 were being reviewed on an individual rather than group basis, and some cases remained pending at year's end.

In 2001 the country joined the Schengen Group, which led to an increase in the number of asylum seekers. To provide for the processing of the growing number of asylum applications, the Government increased the budget of the Migration Board by \$49 million (436 million SEK) in 2001 and an additional \$6 million (53 million SEK) during the year.

A 2001 citizen act permits the possibility of a citizen having dual nationality and makes it easier for stateless children who were born in, or entered the country to acquire citizenship.

Swedish human rights organizations, particularly Amnesty International, strongly criticized the December 2001 forcible return to Egypt of two Egyptian asylum-seekers whose asylum claims had been rejected.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the 349-member unicameral Parliament are held every 4 years; the last such elections were held in September.

Women participated actively in the political process and government. Women constituted 45 percent of the Parliament and 55 percent of the Cabinet. The governing Social Democratic Party largely kept its pledge to place women in half of all political appointments at all levels. The Parliament included representatives of the principal religious, ethnic, and immigrant groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings. Government officials were very cooperative and responsive to their views. Several private organizations actively monitored issues such as the effect of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. Government agencies were in close contact with a variety of local and international groups working in the country and abroad to improve human rights observance.

The official government ombudsmen may publicize abuses of state authority and initiate actions to rectify such abuses.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens.

Women.—Violence against women remained a problem. A report of the National Council for Crime Prevention indicated an increased tendency towards violence against women where the perpetrator was an acquaintance. During the year, 21,420 cases of assault against women (excluding rape) were reported, compared with 20,481 in 2001. Most involved spousal abuse. In most of the assaults, the perpetrator was an acquaintance of the victim. An average of 30 murders of women and girls are reported each year, half of them by men closely related to the victim. The number of reported rapes of persons over age 14 was 1,791, compared with 2,078 in 2001. The law does not differentiate between spousal and non-spousal rape.

The law provides complainants with protection from contact with their abusers, if so desired. In some cases, the authorities helped women obtain new identities and homes. The Government provided electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments helped fund volunteer groups that provided shelter and other assistance to abused women, and both private and public organizations ran shelters. There was a hot line for victims of crime, and police were trained to deal with violence against women. The authorities strove to apprehend and prosecute abusers. Typically the sentence for abuse is a prison

term—14 months on average—or psychiatric treatment. However, women complained about short sentences and the early release of offenders.

Trafficking in women for purposes of sexual exploitation was a problem (*see* Section 6.f.). The purchase or attempted purchase of sexual services is illegal.

The law prohibits sexual harassment and specifies clearly employers' responsibilities to prevent and, if applicable, to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work may be obliged to pay damages to the victim. As with other forms of discrimination, women and men may take complaints to the courts or to their unions. To combat gender discrimination in the long term, the Equal Opportunities Act requires all employers, both in the public and private sector, actively to promote equal opportunities for women and men in the workplace.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. Some sectors of the labor market showed significant gender disparities, many with a strong preponderance of either men or women. According to 2001 statistics, women's salaries were approximately 80 percent of men's salaries. Adjusting for age, education, and occupational differences between men and women, women's salaries averaged 90 percent of men's salaries. The equal opportunity Ombudsman, a public official, investigates complaints of gender discrimination in the labor market (*see* Section 4). Women and men also may pursue complaints through the courts. A third option, and by far the most common, involves settling allegations with the employee's labor union as mediator. In 2001 approximately 170 gender discrimination cases were registered with the equal opportunity Ombudsman; 142 of the cases were closed—26 were settled, 26 were withdrawn, 58 could not be proved, 14 were tried by the Labor Court, and 18 were closed for other reasons, usually because of the statute of limitations. During the year, 129 cases were registered: Women filed approximately 90 percent, and 50 percent concerned salary issues.

All employers with more than 10 employees must prepare an annual equality plan, including a survey of pay differences between male and female employees. The equal opportunity Ombudsman reviews these plans. The law requires from every employer a survey made with a union representative analyzing wage differences. If gender is found to be the cause for a difference in salary, pay must be equalized within 3 years.

In 2000 the Government began to pay damages to the thousands of women who were forcibly sterilized between 1934 and 1976 (*see* Section 1.f.).

Children.—The Government is committed strongly to children's rights and welfare; it amply funds systems of public education and medical care. An official children's Ombudsman monitors the Government's programs. The Government provides compulsory, free, and universal primary school education for children 9 to 16 years of age. It also provides free medical and dental care for all children up to the age of 16 (19 for dental care). Parents received approximately \$1,000 (9,000 SEK) per year for each child under 16 years of age.

Although the physical abuse of children appeared relatively uncommon, public and authorities remained concerned by data indicating an increase in cases of abuse over the past several years. During the year, there were 7,235 reported cases of abuse of children under the age of 15. In addition to 374 reported cases of rape, there were 2,700 reported cases of sexual abuse of children, compared with 2,480 reported cases of child sexual abuse and 327 reported cases of rape in 2001.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. However, if the situation warrants, authorities may remove children from their homes and place them in foster care. Foster parents virtually never received permission to adopt long-term foster children, even in cases where the biological parents were seen as unfit or seek no contact with the child. Critics charged that this policy placed the rights of biological parents over the needs of children for security in permanent family situations.

The Government allocated funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offered counseling to troubled youngsters. The Government continued to be active internationally in efforts to prevent child abuse.

Persons with Disabilities.—The law prohibits discrimination by employers against persons with disabilities in hiring decisions and prohibits universities from discrimi-

nating against students with disabilities in making admission decisions. No other specific laws prohibit discrimination against persons with disabilities, although considerable efforts were made to ensure that persons with disabilities enjoy equal opportunities. There is an Ombudsman for Disability Issues. The Government provides for freedom of access and social support as basic rights for citizens with disabilities. In January the Government directed a parliamentary committee to take a broader perspective on the legislation on discrimination, particularly on how to improve legal protection against discrimination for persons with disabilities, and the committee is to present its report in 2004. Regulations for new buildings require full accessibility, but there is no such requirement for existing public buildings, with the exception of public authorities who are obliged to make their facilities accessible. Many buildings and some public transportation remained inaccessible. Deaf children have the right to education in sign language. The parents of children with disabilities and workers with disabilities under the age of 65 receive financial assistance every 7 years to buy a car adapted to the person's disability.

Indigenous Persons.—The country counts at least 17,000 Sami (formerly known as Lapps) in its population (Sami organizations place that number at 25,000 to 30,000). Since 1993 the Sametinget (Sami Parliament) has acted as an advisory body to the Government. Sami issues fall under the Ministry of Agriculture. The Government allocated funding to the Sametinget for the establishment of a national information center for Sami issues to be completed by 2004.

In 2000 the Government officially recognized the Sami as a national minority. However, the Sami continued a struggle for recognition as an indigenous people; historically, the Government has resisted granting the Sami such rights. For example, Sami children had no right to education in their native language until a 1977 law obliged the Government to grant Sami at least equal treatment. As a result of such education, northern Sami dialects have enjoyed a renaissance; however, Sami dialects in the southern portions of traditional Sami lands may have too few native speakers to survive as living languages.

In 1994 the Government removed from the Sami the right to control hunting and fishing activities on Sami village lands, permitting instead completely unlimited hunting and fishing activity on all government property. Following an initiative from Sami representatives and landowners, in June the Government allocated approximately \$205,000 (1,818,000 SEK) to a joint project between the National Federation of Forest Owners and the National Union of the Swedish Sami to increase dialogue and networking.

Some Sami stated that they faced discrimination in housing and employment on an individual basis, particularly in the southern mountain regions.

National/Racial/Ethnic Minorities.—Approximately 11 percent of Sweden's population is foreign born, with the largest groups from Finland, Iran, and the former Yugoslavia. In 2001 (the latest year for which statistics were available) there were 2,670 reports of xenophobic crimes of which 975 were related to neo-Nazism.

Most estimates placed the number of active neo-Nazis—or white supremacists—at fewer than 3,000, and there appeared to be little popular support for their activities or sentiments. The Government investigated and prosecuted race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judged both sides to be at fault. Neo-Nazi groups operated legally, but serious debate in the press continued about outlawing such groups. Court decisions have held that it is illegal to wear xenophobic symbols or racist paraphernalia. Rightwing groups were not permitted to display signs and banners with provocative symbols at their rallies. A march in Salem on December 7—the second anniversary of the murder of a skinhead in a Stockholm suburb—attracted approximately 1,200 rightwing extremists, the largest neo-Nazi march in the country since World War II. Earlier on the same day, in the same neighborhood anti-racist activists carried out a counterdemonstration.

The public continued to urge a tougher stance against neo-Nazi groups. During the year, several demonstrations against violence and racism were organized throughout the country. The Government supported volunteer groups that opposed racism and xenophobia and allocated funding for projects supporting those who have left neo-Nazi and other racist organizations.

The Ombudsman for ethnic discrimination reported 305 complaints of ethnic discrimination in the labor market during the year, compared with 274 such complaints in 2001.

The law recognizes the Sami people, Swedish Finns, Tornedal-Finns, Roma, and Jews as national minorities. The Government supported and protected minority languages.

The Prime Minister announced establishment of an independent center to fight racism and intolerance.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers to form and join unions of their choice, and workers exercise this right. The work force consisted of approximately 4.4 million persons, of which approximately 85 percent were unionized. Career military personnel, police officers, and civilian government officials, as well as private sector workers in both manufacturing and service industries, were organized. Most business owners belonged to counterpart employer organizations. Unions and employer organizations operated independently of the Government and political parties (although the largest federation of unions has always been linked with the largest political party, the Social Democrats).

The law protects union officials and members from dismissal or reprisals for official union activities.

Unions have the right to affiliate with international bodies. Most unions are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation among others.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and workers exercised this right. Cooperation between management and labor tends to be excellent and nonconfrontational. Labor and management, each represented by a national organization by sector (for example, retailers and engineering industries), negotiate framework agreements every 2 to 3 years. More detailed company-level agreements put such framework agreements into effect at the local level. Framework agreements are signed every year between the parties on the labor market to regulate the wage increase. Most agreements with labor unions provide for a degree of individualized pay, including merit bonuses.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints were resolved informally. In some instances, unions demanded collective agreements regardless of the views and union status of employees. A government agency, the National Mediation office, mediated labor disputes to promote an efficient wage formation process.

The law provides for the right to strike, as well as for employers to organize and to conduct lockouts. Within limits protecting the public's immediate health and security, public employees also enjoy the right to strike. The Government generally respected these laws in practice. During the year, there were 4 legal and 6 illegal strikes reported, involving approximately 700 employees and 630 workdays.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits full-time employment at age 16 under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. Children as young as 13 years may work part-time or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforced these restrictions.

e. Acceptable Conditions of Work.—There is no national minimum wage law. Wages are set by collective bargaining contracts every year, which nonunion establishments usually observe as well. Even the lowest paid workers were able to maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or daycare support) provided by social welfare entitlement programs.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. For workers not covered by a labor agreement, the law stipulates a limit for overtime at 200 hours per year, although exceptions may be granted for key employees with union approval; some collective bargaining agreements put the limit at 150 hours. The law requires a rest period after 5 hours of work but does not stipulate a minimum duration; in practice it was usually 30 minutes. The law also requires a minimum period of 36 hours of rest, preferably on weekends, during a period of 7 days. The law also provides all employees with a minimum of 5 weeks of paid annual leave; labor contracts often provide more, particularly for higher ranking private sector employees and older public service workers. Amendments to the labor law in 2001 permitted employers with fewer than 10 workers to exempt 2 persons from last-in, first-out rules when discharging employees.

Occupational health and safety rules are set by a government-appointed board, the Work Environment Authority, and monitored by trained union stewards, safety

ombudsmen, and, occasionally government inspectors. These standards were very high, making workplaces both safe and healthy in general. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations in order to consult a supervisor or safety representative without endangering continued employment.

Unions played an important role in preventing discrimination in the labor market. A special court dealing only with labor related issues hears complaints filed by unions against companies regarding acts of discrimination on the basis of race or gender.

The same minimum terms of employment apply to foreign and Swedish workers.

f. Trafficking in Persons.—In July a law prohibiting the trafficking of persons for sexual purposes entered into force; it provides for sentences of 2 to 10 years in prison for persons convicted of trafficking. The attempt to traffic and the conspiracy to traffic were also criminalized. Trafficking was a problem.

The purchase or attempt at purchasing sexual services is illegal. Law enforcement primarily uses laws against pandering and an offense called “placing in distress,” which can be used in cases where traffickers lure women from other countries under false pretenses. Traffickers sentenced for pandering can face up to 6 years in prison, but most sentences were for 2 to 3 years. During the first 8 months of the year, the state prosecuted three cases of trafficking for sexual purposes, compared with five such cases in all of 2001.

Women were trafficked to the country for prostitution and sexual exploitation. According to the police, the country remained primarily a trafficking destination and only became a transit nation in 2001. Trafficked women, numbering 200 to 500 per year, came principally from Central Europe, the Baltic states, and Russia; those transiting came primarily from the Baltic region, and the principal destination countries were Spain, Germany, Denmark, and Norway. There have been occasional cases of trafficked women from Colombia and Cuba.

The women typically were recruited in their own countries to work as cleaners, babysitters, or similar employment. Once in Sweden, victims were isolated and intimidated by traffickers, and worked as prostitutes in hotels, restaurants, massage parlors, or private apartments. Some reportedly were “purchased” from other traffickers and brought into Sweden. There were reports that traffickers locked women up and confiscated their passports. National Criminal Investigation Department reports indicated that younger women, many of them minors, were subjected to trafficking.

Trafficked women in general did not receive temporary residence permits; in some cases they were deported immediately. Victims of trafficking rarely were detained; however, at times they were held for a short period prior to deportation by the police or in a camp run by the Migration Board. The Government allocated funds to NGOs for providing shelter to victims and rehabilitation.

The Government provided funding to NGOs and international organizations that combat trafficking worldwide. For example, the Government provided funds to the Foundation of Women’s Forums to combat trafficking in women in the Nordic and Baltic nations by creating interactive networks that link NGOs and research institutions that deal with prevention and the rehabilitation of trafficked women.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the “Federal Council” (Swiss cabinet), the highest executive body, whose presidency rotates annually. Because of the nation’s linguistic and religious diversity, the political system emphasizes local and national political consensus and grants considerable autonomy to the 26 individual cantons. Voters approved a new Constitution in 1999 that came into force in 2000. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own police forces that are under effective civilian control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. Police forces committed some human rights abuses.

Switzerland had a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living of the country’s 7.3 million residents was very high.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. Cantonal police were involved in at least three deaths during the year. Police occasionally used excessive force, particularly against foreigners. Violence against women continued to be a problem, although the Government took steps to address it. Some laws continued to discriminate against women. There continued to be reports of discrimination against foreigners. Trafficking in women for prostitution increased. Switzerland was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings committed by the Government or its agents.

During the year, Swiss police were involved in the accidental death of one elderly person. On April 18, Zurich police ran over Gotthilf Hunziker, 72-years-old, while maneuvering a car in a car park. The victim died three weeks later in a hospital. According to the Zurich City police, the investigation was still pending at year's end.

On October 4, a Zurich police officer shot and killed an armed thief who had just robbed a local post office. The police officer involved in the shooting stated that he had to shoot because the thief was pointing his weapon at him. Police investigators believe the victim, a 42-year-old Swiss, had already robbed the same post office a few weeks prior to this incident. The investigation was still pending at year's end.

On November 26, a Zurich court dropped its criminal charges against two policemen who were involved in the death of a 32-year-old Yugoslav car thief. Both policemen fired a shot at the car after the man tried to run them over. The court stated that both police officers had the right to use their weapon because their lives were put at great risk.

The U.N. Human Rights Committee cited instances of degrading treatment in a November 2001 report, and the excessive use of force during the expulsion of aliens, resulting in deaths on some occasions. In July 2001, Bern police were videotaped using excessive force to subdue Cemal Gomec, a Turkish immigrant with mental problems who was threatening persons who approached him in his apartment with a knife. He died in a hospital 4 days after being subdued. The Bern forensic institute found that his death from cardiac arrest was not the sole result of the beating by police officers but rather a combination of stress, chronic heart disease, and chemicals used during Gomec's apprehension, which included sedatives and tear gas. The investigation remained ongoing at year's end.

In August 2001, two police officers from Basel shot and killed Michael Hercouet just over the border in France. The unarmed Hercouet was trying to evade police arrest after stealing a car, and he allegedly attempted to run over the officers. No charges had been brought by year's end; the trial is expected to take place in France in 2003.

In November 2001, two Zurich policemen killed an unarmed man after a search for an alleged car thief. The investigation was pending at year's end.

During the year, a third policeman involved in the 1999 case of Khaled Abuzarifeh, another immigrant who died from suffocation while resisting deportation, died of a heart attack while awaiting a judgment in the case. Abuzarifeh's lawyers said they would sue the Bern canton for \$30,000 (50,000 Swiss francs).

In March 2000, Graubunden police killed Ewald K., a 22-year-old man who had fired 19 bullets at neighboring buildings using his military rifle. Although no one was killed, Ewald K. severely injured a policeman and killed his trained dog. Markus Reinhardt, head of the Graubunden police, was charged with murder after he ordered elite policemen to execute Ewald K. after hours of unsuccessful negotiations. The victim's family sought \$34,340 (50,000 Swiss francs) in damages; however, on February 28 of this year, the cantonal court ruled that the immediate threat to the population justified the execution order.

In January 2000, a Geneva policeman fired at two French men driving in a stolen car after they refused to stop. The driver died immediately, while the passenger was severely injured. The police officer said he suspected the two victims of a robbery against an elderly woman. Police investigations later revealed that they did not participate in the robbery but were involved in several petty thefts. On September 30, a Geneva appeal court stated that the policeman had no intention to kill but instead fired to stop the car. The policeman still faces a fine, which was not yet determined by a district court.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police occasionally used excessive force, particularly against foreigners. In 1999 the Canton of Geneva stated there were 715 reported cases of the use of force by police, 33 of which resulted in formal complaints. In a November 2001 report, the U.N. Human Rights Committee cited concern and called for effective responses to reported instances of police brutality during arrests and detentions, especially of foreigners.

On March 15, Zurich police trapped Kurt von Allmen against a wall with their car believing he was a thief. The victim's legs were broken, and one had to be amputated. An investigation remained ongoing at year's end.

On April 21, four Zurich police officers allegedly used extreme violence when arresting Eldar S., a 20-year-old Bosnian, on his way to a shopping mall. According to the victim, three policemen hit his head with a stick without warning, pushed him to the floor, handcuffed him and beat him again. Police authorities have denied these allegations and allege that the victim refused to surrender; and that there were only two policemen involved in the case, both of whom were also injured during the arrest. Two policemen involved were transferred to another police unit during the year; the investigation remained pending at year's end. Eldar S. was treated in a clinic for a serious psychological disorder allegedly resulting from the incident.

On May 1, a police dog bit a 33-year-old man in the face while a Zurich police officer interrogated him. Another police officer allegedly beat him while he was handcuffed. An investigation remained ongoing at year's end.

On August 24, Zurich police shot an unarmed man while pursuing a burglar. The victim was severely injured in the stomach. After political parties expressed concern over the shooting, an investigation began into the incident.

On May 29, the Zurich city council voted to appoint an Ombudsman to tackle all Human Rights-related complaints. By year's end, 35 complaints were still pending, of which 20 were filed during the year. On July 11, the Zurich city council set up a special parliamentary commission to review the functioning of the Zurich police as well as certain cases of abuses of human rights.

On July 14, a Zurich court found a Zurich policemen guilty of excessive brutality and abuse of power against a woman he injured with a stick. The court fined him \$347 (500 Swiss francs) and ordered him to pay for the judicial expenses. The woman asked the court for \$8,870 (12,500 Swiss francs) in damages.

On February 1, Zurich police injured two young antiglobalization protestors by using anti-riot water cannons during the World Economic Forum in Davos. Doctors said the two plaintiffs suffered severe skin burns because the police mixed water with chloric acid. Under strict police regulations, water cannons cannot be used against persons directly but may only be used to keep protestors at bay. In some cases, police forces are allowed to mix water with no more than 1 percent tear gas. The two protestors alleged that the police action was disproportionate and sued the head of the Zurich cantonal police. The judgment was pending at year's end.

Prison conditions generally met international standards. Some nongovernmental organizations (NGOs) claimed that prisons were overcrowded, but the Government had taken measures to improve prison conditions and addressed overcrowding by expanding the number of detention facilities. In 2001 the cantonal government of Jura agreed to investigate its prison living conditions after the press reported that prison guards had abused several inmates. Prisoners alleged that, besides insults and mistreatment, prison guards had encouraged some prisoners to commit suicide. The Penal Code requires that male and female prisoners be held separately and that juveniles be held separately from adults. Pretrial detainees also were held separately from convicted criminals.

The Government permitted prison visits by independent human rights observers. In February 2001, a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) carried out a routine, periodic, 10-day visit that included visits to prisons in six cantons. The Committee stated that Swiss police generally treated inmates correctly during cross-examination and interrogation. The Committee also underlined the low amount of police mistreatment and stated that criticism was primarily a result of excessive use of force during arrest.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, some NGOs alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.).

The cantons are responsible for handling most criminal matters, and procedures vary from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate; however, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. A suspect may be denied legal counsel at the time

of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial. Investigations generally are prompt; however, in some cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 52 days.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Supreme Court. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury.

The 1967 revised Military Penal Code (MPC) requires that all war crimes or violations of the Geneva Convention be prosecuted and tried in Switzerland, regardless of where a crime was committed and whether the defendant was a member of an army or a civilian. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case. The highest level of appeal is to the Military Supreme Court. In most cases, the accused used defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law, the Government pays for defense costs.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials usually were expeditious. The Constitution provides for public trials, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant, and all government authorities generally respected these provisions in practice.

Instances of forced sterilization of women continued to be the subject of public debate during the year. A debate also was ongoing about the compensation of those forcibly sterilized in the aftermath of World War II. There is no comprehensive law against forced sterilization at the federal level because medical treatment is a cantonal matter. In 1981 the Swiss Academy for Medical Science decided that forced sterilization is not permissible if a person is incapable of understanding the consequences. The Academy strongly discourages the sterilization of mentally handicapped persons because of what the Academy called a changed social understanding of the sexuality of the mentally disabled.

In May 2001, the European Court of Human Rights (ECHR) ruled that the Government could not allow local tax authorities to force taxpayers to relinquish previously undisclosed bank account information. The ECHR ruled that the right for persons to refuse to testify against themselves applied in these cases.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected this right in practice; however, some municipalities restricted the public distribution of pamphlets, particularly by Scientologists (see Section 2.c.). An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities legally may restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition, the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material. The investigation into the Kosovo-Albanian newspaper Bota Sot for an alleged violation of antiracism law remained ongoing at year's end.

The press operated independently and was free from government intervention. The Federal government subsidized the press indirectly by paying \$69 million (100 million Swiss francs) yearly to lower the postal rates for newspaper distribution. Under the proposed revised postal ordinance, regional and local publications may see their subsidies increase from \$17.3 million (25 million Swiss francs) to \$25.6 million (37 million Swiss francs).

The nationwide broadcast media were government-funded but had editorial autonomy. Private and foreign broadcast media operated freely.

On December 19, the Canton of Geneva dismissed public school teacher Hani Ramadan, a Muslim cleric, for his controversial remarks published in the French newspaper *Le Monde*. In the article, published in September, Ramadan defended death by stoning for adultery as set out in Islamic Sharia law. He also spoke out in favor of a religious ban on AIDS sufferers. Geneva has strict laws separating church and state, which restrict cantonal employees' ability to express personal views in an official setting. Geneva officials said their decision was based on the "anti-democratic" nature of his remarks. An investigation into the affair commissioned by the Geneva authorities found that his role as a religious representative was incompatible with his status as a teacher in a public school. The investigation conducted by the former cantonal prosecutor-general also found that, as a state employee, Ramadan had violated his obligation to refrain from airing controversial views. Ramadan, who was suspended from his job in October, said he would appeal the decision.

In July the Zurich police blocked the NGO Pro PLO Schweiz from distributing flyers calling for a total ban on Israeli products. The police said the flyer constituted a violation of the antiracism law because it contained insults to a foreign state. Pro PLO Schweiz said it would appeal the decision.

Internet access was available and unrestricted. The Federal Office for Police provided an Internet monitoring service on its World Wide Web page in an effort to combat child pornography on the Internet.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no official state church; however, all of the cantons financially support at least one of the three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with funds collected through taxation. In all cantons, an individual may choose not to contribute to church taxes. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the church taxation status that the traditional three denominations enjoy.

Groups of foreign origin are free to proselytize; however, foreign missionaries must obtain a religious worker visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers. Such permits were granted routinely and without any bias against any particular religion.

Due to increasing concern over certain groups, in 1997 the Government had asked an advisory commission to examine the Church of Scientology. The commission's 1998 report concluded that there was no basis for special monitoring of the Church, since it did not represent any direct or immediate threat to the security of the country. However, the report stated that the Church had characteristics of a totalitarian organization and had its own intelligence network. The commission also warned of the significant financial burden imposed on Church of Scientology members and recommended reexamining the issue at a later date. In December 2000, the Federal Department of Police published a follow-up report, which concluded that the activities of such groups, including Scientology, had not altered significantly since the first report and that their special monitoring therefore was not justified. The Government no longer specially monitored the Church of Scientology.

In December 2001, the Vaud cantonal court rejected a claim by the Church of Scientology that it had been constantly discriminated against by Lausanne authorities, which prevented them from renting a restaurant and launching an advertising campaign. The court said that the Church of Scientology could not be considered a real church because its services had no religious connection. As a result, the court said religious discrimination did not apply. The Lausanne Treaty interpreted the court ruling as affirming the primarily commercial nature of the Church of Scientology. The Church did not appeal the court decision.

In February 2001, the ECHR upheld the Canton of Geneva's legal prohibition of a Muslim primary school teacher from wearing a headscarf in the classroom. The Court ruled that the Geneva regulations do not violate the articles on religious freedom and nondiscrimination of the European Convention on Human Rights. The Court found that the legal provisions did not discriminate against the religious con-

victions of the complainant, but were meant to protect the rights of other subjects as well as the public order.

According to the 2001 Swiss National Security Report, as of December 2001, there had been 183 cases brought to court under the 1995 antiracism law, with 83 convictions. Of those, 43 persons were convicted for racist oral or written slurs, 19 for anti-Semitism, 17 for revisionism, and 4 for other reasons. Government officials, including former President Leuenberger, have spoken frequently and publicly against anti-Semitism.

On May 22, a Vevey district court sentenced three revisionists—Gaston-Armand Amaudruz, Philippe Georges Brennenstuhl and Rene-Louis Berclaz—to prison terms of 3 and, in Berclaz's case, 8 months for racial discrimination. All men were found guilty of writing and distributing two books that outlined their revisionist and anti-Semitic views to the general public. Only Brennenstuhl was present at the court ruling. He declined to answer the court's questions and built his case on the constitutional right to free speech.

On June 19, the Islamic Center of Geneva, filed criminal charges with the cantonal prosecutor's office against Italian journalist Oriana Fallaci, author of the book *Rage and Pride*. The plaintiffs alleged that some of the book's remarks on the Muslim community violated Switzerland's anti-racism legislation and asked for the book to be seized and taken off bookstore shelves. The plaintiffs also cited specific passages in the book that they believed falsely characterized and offended persons of Muslim faith.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights for citizens, and the Government generally respected them in practice. However, noncitizens convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

The law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, of which the country was a co-drafter. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated the total number of asylum applicants and temporary residents living in the country during 2002, at 93,741, an increase of 0.4 percent from 93,363 in 2001. (This number included recognized refugees and persons granted temporary asylum, as well as persons who had a first asylum application pending, had appealed a rejection, or were awaiting repatriation.) Applications for asylum increased by 26.6 percent, from 20,633 in 2001 to 26,125 during the year. During November 2,279 people filed an asylum request, totaling 19,015 since the beginning of the year. The number of asylum requests in November was higher than during November 2001, when 2,060 asylum seekers filed a request. Refugees whose applications are rejected are allowed to stay temporarily if their home country is experiencing war or insurrection. The Government denied having forced persons to return to countries where they had a well-founded fear of persecution and insisted that each case be examined carefully; however, NGOs, including the well-known NGO Eyes Open, accused the Government of expelling rejected asylum seekers in some cases when conditions in their native countries remained unfavorable.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time, the law is designed to curtail the misuse of asylum regulations and enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who is unable to credibly justify a lack of identity papers. In such a case, the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGOs contended that such a short time period did not constitute an effective remedy and therefore violated the European Convention on Human Rights.

In a national referendum on November 24, the Swiss electorate rejected, by a narrow margin of 50.1 percent of the vote, the nationalist Swiss People's Party's (SPP) popular initiative "Against Abuse of the Right to Asylum," which effectively would have closed the door to the overwhelming majority of asylum applicants seeking refuge in the country. The SPP proposal was defeated by a margin of 3,422 votes out of a total of 2.2 million ballots cast. Although the Swiss-French cantons and Ticino turned out against it, the initiative carried a majority of cantons, which reflected the deep-rooted popular unease with current immigration and asylum policies. Voter

turnout was just under 47 percent. The results were only provisional, and it was expected to take between 6 to 8 weeks for them to be confirmed. The Federal Chancellery had announced that a margin of error between 2,000 and 10,000 votes was not unusual for the provisional results released on election day; therefore the verdict may still be overturned.

The Government initially offered material and financial aid worth \$50.5 million (86 million Swiss francs) to Kosovar refugees leaving the country voluntarily. Some 33,000 Kosovars accepted this offer, which ended in May 2000. The Federal government granted a delay in departure in 1,962 cases that involved individual hardship (including families with children in school, members of ethnic minorities, the elderly, the sick, single mothers, and pregnant women).

The Government agreed to slow the flow of repatriations during the winter of 2000–01 after former U.N. Special Representative to Kosovo Bernard Kouchner claimed that some areas of Kosovo were then unsafe. Approximately 740 Kosovars nevertheless were repatriated during the year. In mid-August, the Federal Department for Refugees initiated voluntary repatriations for Macedonians.

Determining that the situation in the southern part of Sri Lanka was safe, the Federal Office of Refugees announced in August 2001 that it would proceed with the repatriation of 130,000 Sri Lankan refugees. Government representatives claimed that they carried out an ongoing review of the situation in Sri Lanka and that refugees would be repatriated to Colombo but mandated that no returns would take place in the eastern and northern parts of the country, where conflicts persisted. The refugee office also announced that women, minors, elderly, and persons with disabilities might qualify for temporary residence permits. The NGO Swiss Association for Refugees stated that it regretted the decision and feared some refugees would be sent back to areas in which war was ongoing. Lump sums of \$588 (1,000 Swiss francs) for adults and \$290 (500 Swiss francs) for minors were paid to facilitate the refugees' return to Sri Lanka, in addition to airfare.

In October federal authorities rejected the asylum applications of dozens of Roma from Romania who arrived in the country during the year. Roma asylum applications increased from 33 in 2001 to 968 in 2002. On October 9 and 10, the authorities deported 211 Roma to Romania.

In 2000 the umbrella organization of NGOs concerned with aiding refugees, Swiss Aid to Refugees, criticized the Federal government for some forced repatriations of Kosovo refugees that they termed excessively harsh and inhuman. Eyes Open criticized Zurich cantonal police practices in the compulsory repatriations of failed asylum seekers (*see* Section 1.c.). The group noted the excessive use of hand and leg restraints in the return of Congolese asylum seekers in August 2001.

On April 11, the Swiss Cantonal Conference of Police Directors presented a series of measures aimed at banning facial-gags as well as excessive use of force and techniques that limit breathing during forced repatriations. The move came after the death in 1999 of a 27-year-old Palestinian asylum seeker, Khaled Abuzarifa, who suffocated after being bound and gagged by his police escort at Zurich airport and caused much criticism from international human rights groups (*see* Section 1.a.). Of the 8,551 repatriations in 2001, 99 involved forced deportations.

Some human rights NGOs charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and who are suspected of disturbing the public order or avoiding repatriation. In particular these groups alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charged that police officers used the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight, and the Federal Court overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGOs claimed that the situation with regard to arbitrary detention has improved, they contended that the denial of access to asylum procedures at the two airports remained a problem. NGOs also acknowledged that asylum seekers had better access to legal counseling at the airport, but not to legal representation. Without legal representation, would-be asylum seekers often were unable to appeal a rejection of their asylum request within the 24-hour time limit.

In September 2001, in what police claimed was a last attempt to avoid a scheduled repatriation to France a week later, a 30-year-old Algerian national allegedly hung himself in his cell in Chur. The Graubunden cantonal police denied any involvement in the death and said the man hung himself with a self-made rope of fabric. The refugee reportedly already had resisted two other attempts to deport him

at both Geneva and Zurich airports. An investigation found that prison authorities were not responsible for his death.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Initiative and referendum procedures provide unusually intense popular involvement in the legislative process. A new Constitution took effect in January 2000.

According to the Federal Office of Statistics, the proportion of women in cantonal government after the 1996 and 2000 elections decreased from 19.8 percent to 18.5 percent. There were 55 women in the 246-seat Parliament. Women held 2 of 7 seats in the Federal Council (Cabinet), approximately one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executive bodies. In 1999 the electorate overwhelmingly rejected a popular initiative to mandate equal gender representation in all federal institutions. Quotas existed at the Federal level and ensured that males or females were not underrepresented in extraparlimentary commissions; the minimum level of representation for women was 30 percent.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and laws prohibit discrimination on the basis of race, sex, language, or social status, and the Government generally enforced these prohibitions effectively, although some laws tend to discriminate against women. The Constitution includes provisions for equal rights for persons with disabilities and for minorities.

Women.—Violence against women was a problem. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffered at least once in their lifetimes from physical or sexual violence, and approximately 40 percent suffered from psychological or verbal abuse. A 1998 study estimated that over 100,000 cases of domestic violence occurred each year. The law prohibits domestic violence but does not differentiate between acts of violence committed against men and women.

Spousal rape is a crime. The difficulty in gathering information about the number of persons prosecuted, convicted, or otherwise punished for spousal abuse stems in part from the fact that legal cases are handled by each canton, and data often are not up-to-date. However, some cantonal or district police forces have specially trained units to deal with violence against women. A total of 387 men were prosecuted for 454 rape offenses involving 434 victims during 2001, an increase of 12.4 percent over 2000.

Victims of domestic violence may obtain help, counseling, and legal assistance from specialized government and NGO agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. A total of 845 women and 902 children took refuge in 16 women's shelters across the country during 2001. Those in charge of the shelters estimated that nearly as many women were denied access due to a lack of space and limited funding. The Federation of Women's Organizations and numerous other women's NGOs continued their activities to heighten public awareness of the problem of violence against women.

According to a recent study by the Swiss National Foundation, one out of five women in Switzerland are likely to suffer from domestic violence. Violent husbands can be jailed up to a maximum of 24 hours, but experts recognized clear rules were lacking. Parliament was debating the issue at year's end.

Prostitution is legal for Swiss citizens if the practitioners are registered with police and comply with taxation and other cantonal requirements; prostitution by foreigners is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women remained a problem (*see* Section 6.f.).

Sexual harassment in the workplace was a problem. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace. Although the Constitution prohibits all types of discrimination, and the law provides for equal rights,

equal treatment, and equivalent wages for men and women, some laws continued to discriminate against women. A federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally; however, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man was the primary wage earner in most marriages, when the income was too low to support both parties, it was usually the wife (and children) who was forced to survive on public assistance. Statistics from 1999 showed that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

Immigrant women who marry Swiss husbands but live in Switzerland for less than 5 years risk deportation if they divorce their spouse. The 5-year residency requirement may be reduced to 3 years under exceptional circumstances. NGOs argued that this prevented women with marital problems from being able to seek help or leave their husbands without serious consequences.

Varying police practices in different cantons sometimes took into consideration such factors as the country of origin, education, and income levels of the immigrant women. Their registered purpose for being in the country was to stay with spouse until they received their own long-term residency permits.

The law includes a general prohibition on gender-based discrimination and incorporates the principle of equal wages for equal work; however, professional differences between men and women were evident. Women less often occupied jobs with significant responsibilities, and women's professional stature overall was lower than men's. A 2000 study found that discriminatory behavior by employers accounted for 60 percent of the overall wage gap between men and women. The study, which compared wages for women and men in the private sector from 1994 to 1996, found that wages were on average 21.5 percent lower for women than for men with identical jobs and levels of education. Individual cases of denial of equal pay for equal work were subject to the law. Women also were promoted less than men. In 1998 the latest year for which data was available, 25.3 percent of women between the ages of 15 and 61 were not in the work force, compared with 10 percent for men, and women held 82 percent of all part-time jobs. Only 38 percent of women held managerial positions compared with 56.9 percent of men.

The law prohibits women from working during the 8 weeks after the birth of a child. Further measures also protect pregnant and breast-feeding women. For example, pregnant women are not allowed to work night shifts during the 8 weeks prior to giving birth. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In July 2000, the Government submitted to Parliament a new draft in favor of aligning Swiss maternity leave to European Union standards. It called for 14 weeks of paid maternity leave and asked employers for full pay during the first 8 weeks in order to be consistent with the law prohibiting women from working in the first 8 weeks after birth. The Council of States, the upper house of Parliament, followed the lead of the Federal Council in December 2000 and required the Federal government to develop a new maternity benefits plan in line with the July 2000 proposal. Women in the Canton of Geneva were provided paid maternity leave. The law provided for 16 weeks of leave following a birth at 80 percent of salary for all women who had previously worked in the canton for a minimum of 3 months.

The Federal Office for Equality Between Women and Men and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. In 1999 a federal level interdepartmental working group issued an action plan to improve the situation of women following the country's commitments at the 1995 U.N. Convention on the Elimination of all Forms of Discrimination Against Women. The plan includes measures that address poverty, decision-making, education, health, violence against women, the economy, human rights, the media, and the environment. For example, the plan calls for financial support for childcare facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women. To achieve its mission, the Federal Office for Equality Between Men and Women increased its allocated budget for the year to \$4.4 million (6.36 million Swiss francs), compared with \$3.83 million (5.54 million Swiss francs) in 2000; the office employed 14 persons. In November the Federal Council approved a progress report to Parliament on the implementation of the 1999 action plan by the federal authorities. The report concluded that most measures of the action plan had been implemented but that further action was necessary to make gender equality a guiding principle of all activities of the federal administra-

tion. The report noted that most progress had been made in the areas of higher education and the economy, where concrete projects to promote equal opportunities such as incentive programs and day-care centers had been implemented.

Many cantons and some large cities have equality services mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality, but funding and personnel levels remained uneven. The majority of the cantons had commissions that reported to the cantonal government.

Children.—The Government has no special programs for children, and there is no special governmental office for children's matters; however, the Government was strongly committed to children's rights and welfare. It amply funded a system of public education and need-based subsidies of health insurance. Education was free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offered a 10th school year. Almost all children attended school. The Government subsidized the health insurance premiums of low-income families.

There was no societal pattern of abuse of children, although it did occur. The federal and cantonal governments, as well as approximately 80 NGOs that defend children's rights, have devoted considerable attention in the last few years to child abuse, especially sexual abuse. For convicted child sexual abusers, the law provides for imprisonment of up to 15 years. On October 1, new regulations of the statute of limitations for all crimes went into effect. For cases of child abuse, the statute of limitations has been extended to 15 years. In cases of severe sexual abuse, the statute does not take effect before the victim turns 25. If a court of first instance hands down a sentence before the stipulated time, the statute of limitations is suspended indefinitely.

During the year, the Swiss police participated in large antipedophile operations involving several countries. Police authorities from all over the country investigated more than 800 premises, questioned as many individuals, and confiscated more than 1,000 personal computers and more than 16,000 data carriers.

To combat child pornography on the Internet, the Federal Office for Police provided an Internet monitoring service on its World Wide Web page. Individuals who find pornographic material involving children were asked to contact the Federal Office via e-mail. The production, possession, distribution, or showing of hard pornography are crimes punishable with fines or prison sentences. Any pornography involving children falls into this category. In March 1999, an NGO published the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases: Most of the victims were girls between 13 and 17 years of age.

With respect to the prosecution of child sexual abuse abroad, the law provides for prosecution in Switzerland only if the act is considered a crime in the country in which it took place. However, as part of the ongoing revision of the Penal Code, Parliament in December adopted a clause making such acts punishable regardless of where the crime took place. The bill is still subject to the constitutional referendum period and is expected to come into force before 2004.

In July the Government signed a mutual legal assistance treaty in criminal matters with the Philippines that allows Philippine victims of Swiss pedophiles to give anonymous tips to Swiss authorities. The MLAT provides for the voluntary exchange of information short of a legal assistance request as well as the questioning of witnesses and experts by videoconference.

Children of migrant seasonal workers are not permitted automatically to join their parents. Children of foreigners working as migrant laborers only are permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their home country for 1 month.

Persons with Disabilities.—The law prohibits discrimination directed at persons with disabilities in employment, education, and the provision of other state services. The total number of persons with disabilities was estimated to be 700,000 (10 percent of the population). Most cantons already had implemented some provisions for persons with disabilities, but there was no countrywide standard. Advocates for persons with disabilities have called for new measures to ensure greater protection for their rights. The Constitution provides for equal opportunities for persons with disabilities. However, only approximately 3 percent of public buildings were accessible for wheelchair use.

An initiative called Equal Rights for People with Disabilities was launched in 1999 that would change the law and grant all persons with disabilities access to all public facilities and services, to the extent that the costs were within government means. Claiming that the financial consequences of the proposed change in law would have a negative impact on the economy, the Federal Council submitted an alternative draft law in December 2000. In September and November, respectively,

the two houses of parliament rejected the bill. However, parliamentary debate of the Federal Council's alternative draft law continued at year's end. Neither the Government nor the Constitution mandates that buildings or transportation facilities be made accessible, and advocates for persons with disabilities have called for easier access to buildings and public transportation. Under the Federal Council's draft law, public services would have to be made accessible over a period of 20 years. Opponents of this proposal claimed that the transition period would be far too long and urged that private premises, such as multiple-level housing, should also be required to implement the changes. Under the proposal, the Government would finance part of the costs to make public transportation facilities accessible but only up to a maximum of \$180 million (300 million Swiss francs). By some estimates, implementation costs could reach \$19 to \$28 million (31 to 47 million Swiss francs) per year. In June Parliament approved the Government's financing plan.

National/Racial/Ethnic Minorities.—According to statistics gathered by an NGO, the Foundation Against Racism and Anti-Semitism, 76 reported incidents were directed against foreigners or minorities in the first 8 months of the year, compared with 82 during the same period in 2000. The total number of reported incidents in 2000 was 109. These figures include instances of verbal and written attacks, which are much more common than physical assaults. Investigations of such attacks generally are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly are sentenced to between 3 days' and 3 years' imprisonment and a fine of up to \$27,000 (40,000 Swiss francs). In 2000 and 2001, approximately 40 persons were convicted of racial discrimination.

The Federal Service for the Combating of Racism of the Department of the Interior, established in 2001, started operation in January. It manages the Federal government's "Fund Projects against Racism and for Human Rights" that has a budget of \$10 million (15 million Swiss francs) for the 2001–2005 period. The amount of \$335,000 (500,000 Swiss francs) per year have been earmarked for the establishment of new local consultation centers where victims of racial or religious discrimination may seek assistance. Approximately 130 consultation centers or contact points existed in the country. In addition, the Federal Service for the Combating of Racism sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism. Over \$680,000 (1 million Swiss francs) was spent to support youth projects.

Neo-Nazi, skinhead, and other extremist organizations attracted greater police and government attention during the year because of such groups' increasing organization at international levels, the violence such groups commit, and the youth of the group members. In June 2001, the Federal Council granted \$2.3 million (4 million Swiss francs) to the National Science Foundation to undertake research on rightwing extremist groups. The country's central European location makes it a convenient meeting place for groups from around the continent, and police frequently monitored large gatherings of neo-Nazis and skinheads, such as parties and concerts. During the year, the Federal Police estimated that the number of members involved in right-wing extremist groups was approximately 1,000, an increase from 900 in 2000.

The number of incidents involving "skin-heads" decreased slightly during the year, with approximately 100 reported attacks, demonstrations, and gatherings; however, these incidents involved more violence and were more frequently directed against individuals rather than property. In August 2000, a small gang of "skinheads" assaulted and injured two black men in the city of St. Gallen. The attack caused a large brawl involving more than 50 "skinheads" and 80 members of St. Gallen's black community. On March 21, the St. Gallen district sentenced the extremist gang leader and a gang member to prison sentences of 6 and 3 months respectively.

During the year, meetings of skinheads continued to occur. In April approximately 150 skinheads assembled at a rock concert in Nussbaumen. The group's members came from various Swiss cantons and also from Southern Germany. In August approximately 1,000 mostly Swiss and German right-wing extremists gathered for a weekend in Affoltern am Albis, on the outskirts of Zurich. Police monitored the event and checked participants but did not intervene.

According to the Director of the Federal Commission against Racism, many extremist groups strive to create political parties to have more political influence. One such party, the Party of Nationality-Oriented Swiss, was founded in canton Basel Country. Under the Constitution, such political parties have a legal right to voice their opinions as long as they are not linked to criminal activity.

The Government and private organizations have invested considerable resources to combat such groups and stem their growth.

In a highly publicized case, in January 2001, 19-year-old Marcel von Allmen from the Interlaken town of Unterseen was killed by neo-Nazis with whom he was associated. Von Allmen was active among neo-Nazis, but in the prior few months had attempted to separate himself from them. Four of his companions (all between 17 and 22 years of age) admitted to killing von Allmen and disposing of his corpse in Thun Lake. The Thun investigative magistrate was investigating the case at year's end. The three adult defendants, who had to undergo psychiatric evaluations, are scheduled to be tried by the Interlaken district court in 2003. The fourth defendant was tried as a juvenile; he is required to undergo a psychiatric and educational program at a minimum for 2 years, and at a maximum until his 26th birthday.

Federal penal law prohibits racial discrimination, and police have used this law to monitor and close such web sites. In February the Government mandated the Federal Office of Police to set up a new national coordination center to monitor Internet crime. The program is to include the monitoring of hacking, child pornography, economic crime and racism.

Swiss Roma groups who claimed that they were victims of racial prejudice received assistance during the year from the Department of the Interior. Roma complaints included their exclusion from more camping sites, which do not allow or which limit the number of Roma allowed on the site. The Department continued its \$90,000 (150,000 Swiss francs) annual endowment program to Future for Swiss Itinerants, a foundation that worked to improve living conditions of the Roma.

The foundation attempted to raise public awareness of the Roma and lobbied cantonal governments on their behalf to provide sufficient grounds for their camps. During the year, the Foundation organized an exhibit in the context of the national exhibition Expo.02 and in November organized a conference for representatives of federal and cantonal authorities on the issue of non-Swiss Roma passing through the country.

Cantons have discretion regarding the naturalization of foreigners. In March 2000, the voters of Emmen, a small township in the Canton of Lucern, voted on local foreign residents' applications for citizenship. The voters rejected 48 applicants, almost all from southeast Europe, while approving eight Italians' citizenship bids. The Federal Council determined that it should examine the process. The Emmen vote caused a national uproar and prompted several motions in Parliament. The critical reactions of other cantons and the response of the Federal Council in examining the Emmen vote prompted a debate regarding the extent to which the naturalization regulations of a particular township may be reviewed. In June Emmen held another vote on the applications of 13 foreigners for citizenship. All 13 were accepted, including 5 from the Balkans. However, in September a popular vote denied citizenship to 10 Turks living in Schwyz. The vote was the fourth rejection of citizenship applications for some applicants.

In April 2001, the Zurich district prosecutor's office opened an investigation of the Kosovo-Albanian newspaper Bota Sot for alleged violation of the antiracism law. The newspaper, which has an editorial office in Zurich, allegedly used racist and inflammatory language when referring to Serbs in Kosovo and Macedonians in Macedonia. The publisher of Bota Sot, Xhevdet Mazrekaj, denied the accusations.

Victims of racial discrimination may appeal a national court ruling to the ECHR. Cases first must be litigated in national courts, but they may be appealed to the United Nations. Citizens have the choice of appealing to either the U.N. committee or the ECHR but may not appeal a U.N. decision to the ECHR or vice versa. Both are mutually exclusive and cannot overrule the other's decisions.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives, and workers exercised these rights in practice. Approximately one-quarter of the work force was unionized. Unions are independent of the Government and political parties.

The law protects workers from acts of antiunion discrimination, and the Government generally respected this provision in practice.

Unions associate freely with international organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and bargain collectively, and unions exercised this right. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level.

Nonunion firms generally adopt the terms and conditions fixed in the unions' collective bargaining. However, the Swiss Federation of Trade Unions reported that employers were increasingly trying to avoid collective bargaining. Some employers left their Federation in order to avoid the collective agreement for their industry.

For example, only 37 of the 270 Swiss textile employers adhered to the collective agreement in 2000.

Labor appeal courts existed at both the cantonal and district levels.

On January 1, the 2000 Federal Act on Public Servants took effect and removed a long-standing prohibition on the right to strike by employees of the Federal government and state-owned bodies, such as the railways and the postal service. Under this Act, the Government may curtail or suspend the right to strike for certain categories of government employees only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services. The Federal Act on Public Servants only applies at the federal level. In some cantons and many communes public servants were still denied the right to strike.

The 2000 revised Constitution provides specific protection for the right to strike; however, effective and informal agreement between unions and employers have resulted in fewer than 10 strikes per year since 1975. In 2001 there were only 3 days of striking on record. Swiss law prohibits retribution against strikers or their leaders.

On November 4, several thousand construction workers participated in the largest strike in 55 years demanding a lower, voluntary retirement age.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution implicitly bans forced or bonded labor. Article 27 provides for economic freedom and explicitly guarantees the right to choose freely one's profession as well as unrestrained access to and unencumbered exercise of a gainful occupation. The Government prohibits forced or bonded labor by children which is explicitly forbidden under Article 30 of the 1964 Labor Act. There were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for the full-time employment of children is 15 years, and children generally remained in school until this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 was regulated strictly; they were not allowed to work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforced the law on working conditions. Government officials inspected companies that allegedly employ children illegally after receiving complaints. During the year, no employers were fined or received conditional sentences for violations of the law.

e. Acceptable Conditions of Work.—Government regulations cover maximum work hours, minimum length of holidays, sick leave and compulsory military service, contract termination, and other requirements. However, there was no national minimum wage, which resulted in low wage structures for unskilled and service industry workers. Employees in the retail sectors, in cooperation with other interests, have been successful in slowing reform of the restrictive federal and cantonal laws governing opening hours; however, these restrictions were easing at year's end.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half day per week. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There were no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective was unclear. A 1998 law was designed to increase flexibility in the workplace and remove restrictions on women working at night. Workers had the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

The law generally protects legal and illegal foreign workers; however, the law was not always respected in practice. Illegal foreign workers were not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers was not permitted. According to an NGO, 100,000 to 300,000 foreign workers were vulnerable to abuse of their rights during their participation in the underground economy for long periods. Late in the year, many of these workers demonstrated for legal status and more worker rights by occupying churches in major cities for several days in cooperation with religious and human rights groups.

In June 2001, the Minister of Justice criticized many cantons for tolerating the use of illegal aliens, who earned substandard wages without protection and proposed improved worker legislation.

f. Trafficking in Persons.—The Penal Code criminalizes sexual exploitation and trafficking in persons; however, trafficking in women for prostitution increased.

Trafficking in persons may result in prison sentence of up to 20 years; coercing a person into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison.

On April 29, the Federal Court decided that hiring young women, who come from abroad, to engage in prostitution in Switzerland by taking advantage of their difficult situation, generally constitutes human trafficking. In particular, the Federal Court ruled that a woman's consent to prostitute herself was invalid, if it was obtained in a situation of distress. (The charge of human trafficking only applies if the victims engage in prostitution against their will.) Under the new ruling, the charge still applies even if on the face of it the women were prostituting themselves voluntarily but their traffickers exploited a situation of distress or dependency.

On November 26, the Federal Court upheld a ruling of a Zurich cantonal court, which in January 2001 sentenced a Thai woman to 4½ years in prison and a \$7,200 fine (10,000 Swiss francs) after she was found guilty of human trafficking. Between 1993 and 1998, the woman assisted a total of 39 Thai women to enter prostitution in Switzerland. The victims were forced to work up to 17 hours a day and reimburse \$8,000 (12,000 Swiss francs) for the travel expenses. The Federal Court deemed irrelevant that the trafficked women had formally consented to engage in prostitution given their precarious economic situation in Thailand. The Federal Court dropped some lesser charges and sent the case back before the Zurich cantonal court for review.

The prosecution of illegal prostitution and trafficking of persons normally falls under the jurisdiction of cantonal police authorities. However, since 2001, more complex cases that involve several cantons or are linked to organized crime are under the authority of the federal agencies to investigate and prosecute.

The Federal Council in 2000 charged the Federal Department of Justice and Police with setting up an interdepartmental working group to assess the need for additional government action, namely new legal provisions, to combat human trafficking. In its final report released during the year, the working group conjectured that there were approximately 3,000 cases of human trafficking every year from Eastern Europe alone, but only about 30 cases (1 percent) were reported to the police, leading to fewer than 5 convictions per year. The main reason given for this discrepancy was the restrictive immigration policy which undermined the effectiveness of the Penal Code and the Victim's Assistance Law. Current immigration legislation, which criminalizes the victims of human trafficking (because they reside or work illegally in the country) and normally leads to their rapid deportation upon detection, serves as a disincentive for victims to turn against their traffickers. The report made several recommendations on how to combat human trafficking: Broaden the definition of human trafficking in the Penal Code to include exploitation of labor force and organ snatching; run awareness campaigns both in Switzerland and the countries of origin, grant (temporary) residency to victims of human trafficking, and improve local cooperation among the police, judicial authorities and victim assistance centers. The Federal Council tasked the departments concerned to assess these proposals and to make recommendations as to their implementation.

Since 1905 the Government has had an office to combat the trafficking of young women for the purpose of commercial sexual exploitation. The human trafficking office existed as part of the Federal Office of Police (BAP) until the latter's reorganization in 2000. Since then, two separate BAP divisions handle trafficking problems in the broader context of organized crime: the Federal Criminal Police handles international cooperation and investigations of organized crime, including human trafficking, and the Service for Analysis and Prevention (DAP) does strategic analyses of information.

In order to confront modern forms of trafficking in women, especially via the Internet, the Federal Police have increased the number of their agents since 1999. In October 2001, the Justice Ministry established within the Federal Department of Police a Central Coordination Office for Human Trade and Human Smuggling to better coordinate activities to fight illegal migration, which will start operations at the beginning of 2003. The investigation, enforcement, and prosecution of individual trafficking and related cases was the responsibility of the cantonal police authorities. The federal human trafficking office also supported the cantonal prosecution authorities with information concerning trafficking abroad. However, since 2001, more complex cases that involved several cantons or were linked to organized crime were under the authority of the federal agencies to investigate and prosecute.

The Government has institutionalized an exchange of information on trafficking in persons with NGOs. The Department of Foreign Affairs (DFA) helps fund programs intended to combat trafficking from Eastern Europe, having spent approxi-

mately \$193,416 (120,000 Swiss francs) on anti-human trafficking programs during the year. In addition, DFA's Development Cooperation Office (DEZA) funded half a dozen programs intended to combat human trafficking mainly from Eastern Europe and the former Soviet Union with approximately \$120,000 (300,000 Swiss francs). In March 1999, the Government introduced new visa requirements for applicants from four South American countries: Colombia, Cuba, Ecuador, and Bolivia. The Interior Ministry's Office for Equality between Women and Men initiated a program to train Swiss consular officials to educate visa applicants in their home countries on the risks of falling victim to human traffickers and methods used to lure women into vulnerable situations. The Government provided funding to the Stability Pact for South Eastern Europe's Anti-Trafficking Task Force and supported the OSCE's Office for Democratic Institutions and Human Rights Anti-Trafficking Project Fund.

The country was a destination and, to a lesser extent, a transit location. According to authorities, most persons trafficked in 2000 originated in Thailand, parts of Africa, or South America. An increasing number of trafficked women arrived from Eastern Europe, particularly Hungary, Russia, Ukraine, or other states of the former Soviet Union. Police figures indicated that approximately 14,000 prostitutes worked in the country both legally and illegally. More than half worked in Basel, Bern, Zurich, Lucerne, Geneva, and Ticino.

Since the late 1990s, a growing number of salons and clubs have appeared in which women registered as artists engaged in illegal prostitution. Authorities suspected that traffickers were bringing some of these "artists" into Switzerland. Police monitoring was difficult because the artist visas (also called the "L" residency permits) include an allowance for a short work period during which individuals may engage in some form of self-employed activity. Approximately 1,800 women normally stayed in Switzerland on "L" residency permits spread across about 400 cabarets. According to statistics from May 2001, prostitutes from the former Soviet Union accounted for 67 percent of all "L" residence permits. L Permits issued to Ukrainian women increased from 88 in 1995 to 407 in May 2001, an increase of 360 percent in 6 years. Permits to Romanian and Moldavian women increased by 650 percent and 800 percent, respectively, over the same period. According to the Chief of the Geneva vice squad, the police had no legal means of preventing cabaret dancers from prostituting themselves after work hours but tried to prevent physical abuses against prostitutes. Smaller prostitution networks also existed and often involved relatives of foreign families established in the country, or members of the same ethnic groups.

Traffickers often forced victims into prostitution and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for the cost of their travel and forged documents and found themselves dependent on the traffickers. Generally the victims were unable to read, write, or speak the country's languages, and were afraid to seek help from the authorities.

Under the Swiss Victim's Assistance Law, trafficking victims may seek help from centers providing assistance to abuse victims. These centers/shelters typically provided counseling as well as material and legal aid but in some cases may also provide travel vouchers and emergency lodging. In penal proceedings, trafficking victims who are testifying enjoy special protection of their identity and may request the trial to take place behind closed doors and a confrontation with the defendant to be avoided. Women's shelters and NGOs that provided services to victims received federal and cantonal government funding. For example, the Zurich-based Women's Information Center (FIZ), which assisted women from Africa, Latin America and Eastern Europe, received roughly 40 percent of its \$250,000 budget (420,000 Swiss francs) from federal, cantonal and city governments.

In some regions, NGOs complained of working at odds with cantonal police authorities that tended to favor rapid deportation of possible trafficking victims and were inclined to treat the latter as criminals. NGOs particularly criticized the lack of a designated person of contact within cantonal police authorities. To address the problem, the Zurich-based Women's Information Center (FIZ) initiated working groups to improve cooperation between NGOs and cantonal justice and police authorities. In Zurich representatives of the police, the immigration office, the prosecutor's office, the Government's Equal Opportunity Office, and FIZ regularly convened to improve cooperation between the different parties to provide better assistance to victims of trafficking.

In 2000 FIZ submitted a petition to the Federal Council and both houses of Parliament calling for the establishment of a protection program for trafficking victims, which would end the automatic expulsion of women arrested for illegal prostitution and legalize their stay for the duration of investigations and trials. Most women

normally were expelled within 96 hours. The program also would provide shelter, protection from intimidation, counseling centers, and sensitivity training for police. The petition also called for a change in the legal definition of trafficking to include not only women forced into prostitution but also women whose migration to the country for marriage or domestic work forced them into a state of dependency. Approximately 7,500 individuals, organizations, and parliamentarians signed the petition.

In general persons responsible for trafficking may not be prosecuted unless the victims are willing to testify. However, few victims were willing to testify because they feared retaliation or were concerned that they would be forced to leave the country because they were illegal immigrants. Cantonal authorities may grant a temporary residency permit on a case-by-case basis to victims willing to assist in the investigations and to testify against their traffickers, but a legal framework providing this right has not yet been established. In cases of serious hardship, a federal ordinance allows cantonal police authorities to grant a residency permit to victims of sexual exploitation or forced labor, but NGOs contended that in reality this rarely happened.

TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions, including a Constitution adopted in 1994. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support somewhat limited his control of the entire territory of the country. Rahmonov won reelection in a 1999 election that was seriously flawed and was neither free nor fair. Some opposition figures held seats in the Parliament and positions in the Government. Rahmonov's supporters overwhelmingly won the February 2000 parliamentary elections that were neither free nor fair but that did allow several opposition parties to participate. May 2001 parliamentary by-elections were flawed, as were by-elections held in three districts during the year. Although stability throughout the country has increased significantly since the 1992-97 civil war, the Government still faced the challenge of maintaining law and order, and regional divisions within the security forces themselves persisted. The Constitution provides for an independent judiciary; however, it was not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although in practice the Government relied on a handful of commanders who used their forces for internal security. In a few regions local commanders exercised a degree of autonomy from the Government, although the Government's 2001 military operations against Rahmon Sanginov discouraged many former local opposition commanders from attempting to assert independence from government authority. The soldiers of some of these commanders were involved in crime and corruption. A Russian army motorized rifle division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country. Members of government security forces and government-aligned militias committed serious human rights abuses.

The economy is a state-controlled system in the process of a transition to a market-based system. The country has a population of approximately 6.4 million. Most of the work force was engaged in agriculture, which remained partly collectivized. Government revenue depended highly on state-controlled cotton production, and the small industrial sector was dominated by aluminum production. Small-scale privatization was more than 80 percent complete, but the level of medium to large scale privatization was much lower at approximately 16 percent. Many, but not all, wages and pensions were paid. Per capita gross national product was approximately \$180, and gross domestic product grew approximately 9 percent during the year. Official unemployment was estimated at 10 percent; however, "hidden" employment was approximately 40 percent. The continued influence of narcotics trafficking and other forms of corruption led to clear disparities of income between the vast majority of the population and a small number of former progovernment and opposition warlords, who controlled many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor; although there were improvements in some areas, serious problems remained. The citizens' right to change their government remained restricted. Unlike in past years, there were no reports that security forces committed extrajudicial killings; however, police and security forces committed unlawful killings for which they rarely were held accountable. The Government made progress in investigating political killings that occurred in pre-

vious years. There were deaths in custody. Explosions of landmines laid in years past killed some civilians. There were a number of disappearances and kidnappings. Security forces tortured, beat, and abused detainees and other persons. These forces also were responsible for threats, extortion, and abuse of civilians. The Government continued to use arbitrary arrest and detention and arrested persons for political reasons. Impunity remained a problem. Prison conditions remained harsh and life threatening. Lengthy pretrial detention remained a problem. The judiciary was subject to political and paramilitary pressure, and often there were long delays before trials. Law enforcement officers used torture to obtain confessions, which then were used in trial without qualification. The authorities infringed on citizens' right to privacy. The Government eased its restrictions on freedom of speech and loosened controls over electronic media but on occasion discouraged free expression. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations and by intimidating demonstrators. There were some restrictions on freedom of religion. The Government eased restrictions on freedom of movement by eliminating the exit visa requirement. Violence and discrimination against women were problems, as was discrimination against persons with disabilities and religious and ethnic minorities. Child labor was a problem. There were some instances of forced labor, including by children. Trafficking in women and children was a serious problem, although the Government took some steps to address the problem.

Narco-traffickers and organized crime groups that operate in a quasi-military style continued to threaten, extort, and abuse the civilian population.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, there were reports of the arbitrary or unlawful killings committed by the Government and its agents, although it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. According to security officials, members of the Government, including members of the police and security forces, committed some killings for reasons stemming from business or organized criminal activities. For example, in November the former chairman of the Shahrinaw District outside Dushanbe was convicted of ordering the murder of a business rival in late 2001 while he was still in office. He was sentenced to 20 years in prison. Government officials were rarely held accountable for such crimes; however, there were several trials of former government officials in connection with similar cases.

Several local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. In September the brother of the director of a major collective farm in the Isfara District was murdered. The local Islamic Revival Party of Tajikistan (IRPT) office claimed that the murder was an attempt to destabilize the political situation in Isfara, and IRPT called for a thorough investigation; a police investigation continued at year's end.

Government officials claimed progress in investigating a number of political killings in recent years. The Government formed a special investigative unit and announced that a number of arrests had been made and charges filed by year's end; however, the Government indicated that some of those under investigation were being detained without formal charges. Some of these individuals were held incommunicado (*see* Section 1.d.). Local and international observers questioned the objectivity of the investigations. These included investigations of the killings of former Chairman of the Gharm District Sirojiddin Davlatov in 2000; former Deputy Prime Minister Moyonsho Nazarshoyev in 1998; and former Chairman of the Parliamentary Committee on Legislation and Human Rights Safarali Kenjayev in 1998.

In March seven men were convicted of the May 2001 murder of First Deputy Minister of the Interior Habib Sanginov and were sentenced to death; there were allegations of torture and judicial impropriety during the investigation and trial (*see* Sections 1.c. and 1.e.). Also in March, one man was convicted and sentenced to death in the May 2001 killing of Sobirjon Begijonov, Chairman of Jabborasulov District in Sughd Oblast. In November murder charges were filed against four other men in connection with this case; all five allegedly were part of a "criminal gang" of 35 persons that was charged in November with various murders dating back to 1994. In July one man was convicted and sentenced to death in the September 2001 killing of Minister of Culture Abdurahim Rahimov.

In June two brothers, Dovud and Sherali Nazriev, were executed after being convicted in May 2001 on charges of the 2000 attempted assassination of the Mayor of Dushanbe (who is also the Chairman of Parliament). The Deputy Minister of Se-

curity was also killed in the attack, although the brothers were not charged directly with his death. The execution, which was delayed pending an appeal, was eventually carried out despite a request for a further delay from the U.N. Human Rights Commission while it examined the case.

In September two men—one a former District-level government official—were arrested for the 1996 killing of Russian journalist Viktor Nikulin. The trial was ongoing at year's end (*see* Section 2.a.).

There were no developments in some political killings from past years including: The April 2001 abduction and killing of three Dushanbe policemen; the July 2001 killing of Karim Yuldoshev, the Presidential Advisor on International Affairs; the 2000 killing of the Chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda); or the 2000 killing of Khovar State Information Agency correspondent Aleksandr Opatov.

There were reports of a number of deaths in custody; however, statistics were unavailable. It was unclear what proportion of these deaths resulted from mistreatment by police and prison authorities or from harsh prison conditions and lack of food and adequate medical treatment (*see* Section 1.c.).

Both the Government and the opposition used landmines during the civil war. Landmine explosions in some unmarked mine fields in the Karetegin Valley reportedly killed civilians during the year. Landmines were laid along the northern segment of the border with Uzbekistan, which included some populated areas and was not demarcated clearly in most places. The Government of Uzbekistan claimed that it laid the mines as part of a counterinsurgency campaign. The State Border Protection Committee reported that 58 persons were killed by landmine explosions during the year along the Uzbek border. Estimates were unavailable for landmine deaths elsewhere in the country. In December the Ministry of Defense announced that the Government had cleared more than 770 square miles and 420 miles of roads of mines during the year and estimated that more than 16,000 mines remained in the country.

The Government Drug Control Agency reported instances in which Tajik border guards were killed on the Afghanistan border in gun battles with narcotics traffickers. International observers and Russian and Tajik Border forces also alleged that Tajik and Afghan criminal groups engaged in narcotics smuggling killed members of the border area populations. There were also reports that these same criminal groups took local residents hostage (*see* Section 1.b.).

There were no developments in the cases of an April 2001 bombing at a Dushanbe market that killed three persons and injured 11 and of the 2000 landmine explosion on a public bus on the outskirts of Dushanbe that killed at least five passengers.

A police investigation concluded that the October and December 2001 shooting deaths of two Baha'i residents of Dushanbe was religiously motivated, and in November the Government filed charges against a "criminal group" of 35 persons for murders and assassinations dating back to 1994, including the 2001 Baha'i killings (*see* Section 2.c.).

The Government routinely sentenced criminal defendants to death in trials that violated norms of due process and human rights. During pretrial detention, the police often beat and otherwise coerced suspects into making confessions, which were introduced into trial without qualification (*see* Sections 1.c., 1.d., and 1.e.). Amnesty International reported that 29 persons were sentenced to death in the first 6 months of the year, that none of them received a fair trial, and that executions often were conducted in secrecy. A witness in the murder trial of those accused of the 2001 killing of Deputy Minister of Justice Habib Sanginov recanted in court his earlier testimony, claiming that he had been tortured into making false statements. His testimony was retained as evidence, on the basis of which four men were sentenced to death (*see* Section 1.e.). The Prosecutor General's office as well as senior government officials continued to defend the Government's application of the death penalty.

b. Disappearance.—There were no reports of politically motivated disappearances; however, there were numerous kidnappings.

The taking of hostages for revenge or for bargaining purposes remained a common occurrence. In October the Ministry of Security reportedly stated that Afghan-based drug trafficking groups took hostage 24 residents of the border areas as penalties for unpaid debts or to secure cooperation in narcotics trafficking. Those kidnaped reportedly were held in northern Afghanistan (*see* Section 1.c.).

Political pressures, the Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hampered police efforts to investigate disappearances. For example, there were no developments in the 2000 abduction and later release of the sister of Deputy Prime Minister Nigina Sharapovna or in the 2000 disappearance of the ethnic Uzbek mayor of a town in Khatlon District.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, there were reports that security officials, particularly those in the Ministry of Interior, used systematic beatings to extort confessions and used sexual abuse and electrocution during interrogations. Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses. In July nine officers of the Ministry of Interior were tried and convicted on charges of abuses of power and use of prohibited methods of interrogation; they were sentenced to terms of imprisonment ranging from 3 to 7 years. This group included the Deputy Chairman of the Ministry of Interior Administration for Sughd Oblast and the chairman of its administration for the city of Khojand, Sughd's administrative center. Government officials, including security forces, harassed members of the opposition IRPT in the north of the country. The Government acknowledged that the security forces were corrupt and that most citizens choose to keep silent when subjected to mistreatment rather than risk retaliation by the police.

In the southern regions of the country, many border guards were involved in the drug trade, and the local population made numerous complaints of harassment and abuses committed by them. There were reports of widespread invasive and degrading searches by border guards, particularly with regard to women. The nongovernmental organization (NGO) Modar reported that in May and June women crossing into Uzbekistan and Kyrgyzstan commonly were subjected to strip searches by officials on both sides of the border, with such objectives as preventing narcotics trafficking or harassing the individual (*see* Section 2.d.). In February several border guards were convicted of "abuse of power" and sentenced to 6 years imprisonment for harassment, extortion, and corruption.

Law enforcement authorities mistreated members of the country's Afghan refugee population. In June a Dushanbe city police officer arrested an Afghan refugee for having expired refugee documents and beat him after an attempted escape (*see* Section 2.d.). There were widespread claims of petty harassment of Afghan refugees. There were no developments in the case of a prominent Afghan refugee who credibly claimed that Ministry of Interior officers beat him in 2000 in retaliation for previous claims of abuse (*see* Section 2.d.).

Unlike in the previous year, there were no reports that law enforcement authorities (or armed individuals dressed as, and claiming to be law enforcement authorities) beat journalists (*see* Section 2.a.).

Some government officials facilitated trafficking in persons (*see* Section 6.f.).

Investigations continued into several 2001 cases of shootings, bombings, and terrorist attacks that resulted in injuries and serious property damage as well as deaths (*see* Section 1.a.). Groups that have not accepted the peace process (i.e., organized crime groups, narcotics traffickers, or opposition groups) were suspected to be responsible for these attacks.

According to credible Tajik counternarcotics law enforcement authorities, Tajik and Afghan criminal groups engaged in narcotics smuggling across the country's border with Afghanistan and threatened, harassed, and committed abuses against the border area populations (*see* Section 1.b.).

Conditions in the country's seven prisons remained harsh and life threatening. In June the Government transferred administrative responsibility for prisons from the Ministry of Interior to the Ministry of Justice, a move which the OSCE characterized as a step toward "fulfilling international standards." Prisons generally were overcrowded, unsanitary, and disease-ridden. Some prisoners died of hunger. Family members were allowed access to prisoners only after a guilty verdict, in accordance with the law. However, family members of prisoners sentenced to capital punishment were not informed of the date of the execution and were not allowed access to the prisoner's effects or remains after the sentence was carried out. Men and women were housed separately; there is one women's prison. There is one prison specifically for members of "power ministries" (police, KGB, military personnel). Juveniles were held in separate juvenile reform facilities. Pretrial detainees were held separately from those convicted. Beatings were common.

In August 2001, the Government decreed an amnesty for more than 19,000 prisoners, primarily the sick and the old, and those convicted of minor narcotics trafficking offenses; however, not all of the amnestied prisoners were released, although some persons convicted of crimes during the year had their sentences immediately waived under the amnesty.

The Government permits some prison visits by international human rights observers; however, the Government denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and detain citizens arbitrarily. The Criminal Code retains many of the defects inherited from Soviet times. For example, the system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days, after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction any remaining detention time. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Officials regularly refused detainees access to counsel. Incommunicado detention was a problem (*see* Section 1.a.). For example, on September 3, Ministry of Security officials in Dushanbe detained 10 Afghan refugees and held them incommunicado until 8 members of the group were deported on September 17. The Government arrested a number of persons in connection with political killings from previous years; many of those arrested were held incommunicado for long periods of time and were still in police custody despite not being formally charged at year's end. There is no provision for bail, and lengthy pretrial detention was a problem.

In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, did not obtain arrest warrants and did not bring charges. Those released often claimed that they were mistreated and beaten during detention (*see* Section 1.c.).

The Government made politically motivated arrests, and there were credible allegations of illegal government detention of members of rival political factions. Local and international observers questioned whether arrests in several investigations of political killings were politically motivated. For example, in March six men were convicted of murder in the 2001 killing of Deputy Minister of Justice Habib Sanginov. There were widespread allegations that the investigation and trial were politically motivated and that there were serious irregularities during the trial (*see* Sections 1.a., 1.c., and 1.e.). Reportedly there was little connection between some of those convicted and the alleged plotters of the murder, and several international observers noted that the prosecutors' claims of drug trafficking by the victim appeared to be a coverup for other possible motives in the case.

According to the Ministry of Interior, 142 members of Hizb ut-Tahrir, an extremist Islamic organization, were convicted and sentenced in connection with various crimes related to their party membership during the year (*see* Section 2.c.).

The Constitution states that no one can be exiled without a legal basis, and no laws establish a legal basis for exile. There were no reports of forced exile; however, some opponents of the Government remained in self-imposed exile. During the year, Oleg Panfilov, the head of the Center for Journalism in Extreme Situations—in self-imposed exile since 1997—returned to the country for several short trips but then returned to self-imposed exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judicial system was subject to the influence of executive authorities. Armed criminal groups directly influenced judicial officials at all levels. Public order improved during the year. However, the erosion of public order and judicial integrity that took place during the civil war, largely as a result of the virtual immunity from prosecution of armed militia groups, has yet to be overcome.

Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level for the most part are poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships. Judges at all levels have extremely poor access to legal reference materials. Bribery of prosecutors and judges was a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court.

Military courts only try civilians in extremely rare circumstances, such as when a crime is committed by both a serviceman and a civilian. A military judge and two officers drawn from the service ranks hear such cases.

According to the law, trials are public, except in cases involving national security or the protection of minors. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days; however, it is common for cases to be delayed for many months before trial begins (*see* Section 1.d.). The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. However, in practice arrested persons often were denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintained that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. However, in practice bringing charges tended to suggest guilt, and government officials routinely made public pretrial statements proclaiming a suspect's guilt.

Law enforcement officials often used torture and beatings as methods of coercing evidence, including confessions (*see* Section 1.c.). Such evidence routinely was used in trial without qualification, as in the 2001–2002 trial of seven persons charged with the 2001 murder of Deputy Interior Minister Habib Sanginov (*see* Section 1.a.). Kiemmidin Mizoyev, the alleged leader of the plot, recanted his confession in court, claiming that he had been tortured into giving false testimony. His testimony was used to convict five others on March 27, all of whom also claimed they had been tortured and forced to sign false statements.

Some factions of the Government allegedly used the investigations of high profile cases to carry out political attacks on other factions of the Government. Given the low level of available information regarding the pretrial, investigation, and trial phases of the criminal process, and the Government's refusal to allow the ICRC and other groups regular access to prisons in accordance with their standard procedures, the number of such political prisoners was unknown.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except “in cases prescribed by law”; however, the authorities continued to infringe on citizens' right to privacy. Except for special circumstances, the law prohibits police from entering and searching a private home without the approval of the procurator. When police do enter and search without prior approval, they must inform the procurator within 24 hours; however, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also may enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

In August the Government resettled 500 residents of the country's eastern Gorno-Badakhshan Autonomous oblast after their village was destroyed by a landslide. The Government claimed the villagers asked to be resettled; however, the villagers claimed they were told that they would be denied emergency assistance unless they moved to a collective farm in Bishkent, near the Uzbek border in the south of Khatlon oblast (*see* Section 2.d.). Previous voluntary resettlement plans involving Bishkent were criticized for the Government's failure to deliver on promises of housing, potable water, land grants, and other social services (*see* Section 2.d.).

Police and Ministry of Interior officials often harassed the families of suspects in pretrial detention or threatened to do so in order to elicit confessions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Journalists, broadcasters, and individual citizens who disagreed with government policies on occasion were discouraged from speaking freely or critically. In November nine television journalists in Khojand were detained by local military authorities following the broadcast of a documentary they had produced regarding “press-ganging” and other irregularities in the fall conscription campaign; six of the journalists were released while the other three were drafted into the military. The Khojand regional military command agreed to assign the journalist to the military's public affairs unit while permitting them to continue their employment at a local television station. Government officials criticized the local military officials' “excessive” actions but also claimed that the three reporters were draft evaders. In September state tele-

vision Kulob correspondent Suhrob Farrukhshoev was fired after publishing a freelance article on the spread of typhoid in President Rahmonov's home region. Television management told Farrukhshoev that they were following orders from the Kulob local administration. Farrukhshoev subsequently obtained employment at an independent media NGO that regularly featured criticism of the Government.

In April the Government enacted new media legislation reaffirming the right to free speech and criminalizing interference with journalists' work; however, journalists reported that government officials improperly limited their access to information or provided "friendly advice" on what news should not be covered. The Government also controlled the printing presses and the supply of newsprint and broadcasting facilities and subsidized the large majority of publications and productions. Editors and journalists, fearful of reprisals, exercised some self-censorship; however, a number of publications published articles highly critical of the Government.

The number of independent and local newspapers continued to increase during the year. Although only a small number of newspapers attempted to cover serious news, several new newspapers focused on news and analysis. Several newspapers are organs of political parties or blocs.

There is one government-run television network; its several local stations covered regional and local issues from an official point of view. Opposition politicians had little access to it; however, it continued to broadcast a series of political party debates organized by the International Foundation for Electoral Systems. There were 36 nongovernmental television stations—not all of which operated at any one time and only a handful of which were genuinely independent. Some of these independent stations have independent studio facilities and broadcast equipment, but most depended on government-owned transmission equipment. In June four independent television stations' licenses were suspended for non-payment of fees for use of government equipment. An independent station in Khojand continued broadcasting political party debates sponsored by the OSCE's Khojand office. Although the Government permitted a daily Uzbek radio broadcast, broadcast time was dominated by Tajik and Russian language programs; however, there was a weekly television broadcast.

Independent radio and television stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through the Ministry of Communications and the State Television and Radio Committee. At every stage of the bureaucratic process, there are high official and unofficial fees. The process of obtaining licenses is lengthy, sometimes taking years. Those who are denied licenses were allowed to reapply; however, there was no formal appeals process. In August the Government issued licenses for the first time to three independent radio stations in the capital. One of the stations had waited for nearly 4 years without a formal reply to its application. In July the Television and Radio Committee refused the station's application; however, following pressure from domestic and international media and other organizations, President Rahmonov instructed the Committee to issue the license. The other two radio stations received their licenses concurrently.

Journalists on occasion were subject to harassment and intimidation, sometimes perpetrated by government authorities. In July the Government dropped charges of attempting to overthrow the state against journalist Dodojon Atovulloev, and the General Prosecutor publicly stated that Atovulloev could return to the country and continue publishing his newspaper. In September Ahtam Tohirov, former Deputy Chairman of the Tax Committee of the Kofarnihon District, and a second man were arrested for the 1996 killing of Russian journalist Viktor Nikulin (*see* Section 1.a.).

Journalist Oleg Panfilov returned from self-imposed exile to Tajikistan on several short trips and participated in several forums on independent media (*see* Section 1.d.).

There were no developments in the 2000 case of a reporter for the state-owned newspaper *Jumhuriyat* who was seized and severely beaten by Dushanbe militiamen.

There are five Internet service providers—one wholly state-owned and four privately owned. High fees and limited capacity put access to the Internet out of reach for most citizens. The Government did not block access to or censor the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice and exercised strict control over organizations and activities of a political nature. Non-political associations, such as trade unions, are allowed to meet (*see* Section 6.a.). Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. At times permits were granted, but on occasion the Government took reprisals against organizers.

Fear of reprisal was so widespread that public assemblies or demonstrations of a political nature were rare. In May a group of women in Kulyab shouted slogans at the visiting Prime Minister in protest of poor economic conditions; some members of the group were approached and questioned afterwards by security personnel, but none were detained. In June 50 demonstrators protested the scarcity of tickets for railroad travel to Russia; the Government took no punitive action against the demonstrators.

The Constitution provides for freedom of association; however, the Government restricted this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for non-political associations, including trade unions, this right is circumscribed by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice—a process often slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. There were reports of delays in the process if organizations failed to pay bribes to working-level officials. In June the President and Minister of Justice addressed a national forum of NGOs—most of which were involved in social work—and expressed support for the work done by these organizations. The Minister of Justice pledged to simplify the registration process for new NGOs and called for the Ministry of State Revenues to work together with the Ministry of Justice to resolve NGO taxation problems. A government working group was formed to address the issue of new legislation on taxes for non-profit organizations.

Parties of religious character are permitted to register; one such party—the IRPT—has done so.

There are six political parties and five “movements” registered with the Government. In January 2001, the Supreme Court banned the “Adolatkhoh” (Justice) Party on the grounds of insufficient membership, although party officials alleged that the ruling resulted from criticism of the Government's economic policy. Three other parties are banned officially: The Party of Popular Unity (banned in 1998), the Agrarian Party (banned in 1999), and the “Tehran platform” faction of the Democratic Party (banned in 1999). In October the Agrarian Party formally merged with the registered wing of the Democratic Party, and its membership was incorporated into the Democratic Party. In December the Government registered the Social Democratic Party (SDPT), following six previous unexplained denials. The SDPT—previously known as the Party of Justice and Progress—changed its name in 2000 after several unsuccessful registration attempts. In March the Unity Party was formed and applied for registration with the Government; its first application was denied in May for “membership irregularities.” A second application submitted in June was pending at year's end. A 1998 law prohibits political parties from receiving support from religious institutions.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. There is no state religion. The Government monitors the activities of religious institutions to control their political activity. Hizb ut-Tahrir members were subject to arrest and imprisonment for subversion. President Rahmonov defends secularism aggressively and describes Islamic extremists as a threat to national security.

According to the Law on Religion and Religious Organizations, religious communities must be registered by the State Committee on Religious Affairs (SCRA). While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. The Government did not explicitly ban, prohibit, or discourage specific religions; however, local authorities in some cases used the registration requirement in attempts to prevent the activity of some groups. For example, in August and September, authorities in the northern Sughd region closed a number of unregistered mosques in the districts of Isfara and Jabbarasulov. Most of these mosques registered with the Government and were officially re-opened; eight remained “closed,” although parishioners continued to pray there. In November government officials closed one of these mosques and a madrasa in the Isfara area after the imam and his family apparently fled the village.

In July and August, government officials in Sughd carried out an “attestation” of all imams in the region, through which all imams were tested on their knowledge of Islamic teachings and religious principles. Although the test was designed by the Council of Islamic Scholars, technically a nongovernmental body, it was approved by the SCRA, which enforced the results of the test. As a result, 15 imams were removed from their posts; 3 of the imams were members of the IRPT and were re-

moved for that reason. Local observers alleged that the Government used the testing process as a means to silence certain politically outspoken religious figures.

Government policies reflect a pervasive fear of Islamic fundamentalism among the Muslim population. The Government banned specifically the activity of Hizb ut-Tahrir, which has developed a significant following among the ethnic Uzbek population in the north. The Government continued arrests and trials of Hizb ut-Tahrir members on charges of subversion; in October a Ministry of Security official announced that 142 members of the banned party had been sentenced to varying jail terms during the year (*see* Section 1.d.).

Unlike in the past, the Government did not impose restrictions on the number of pilgrims allowed to undertake the hajj; however, regional quotas were imposed, which led to corruption in selling quota allotments.

Government officials at times restricted other religious activities by Muslims as well. Government printing houses reportedly were forbidden to publish texts in Arabic and as a rule do not publish religious literature. There were no restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place. These restrictions reportedly were based on political concerns, but affected religious instruction. Missionaries were not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompted it to restrict visas for Muslim missionaries.

In the spring of 2001, there were reports that local authorities in the city of Kurgan-Tyube prevented a Christian church from registering. The church appealed to the SCRA, and in January the church was registered.

Baha'i groups experienced some harassment at local levels. The Government arrested approximately 40 persons in connection with the October and November 2001 killing of two Baha'i residents of Dushanbe; in November the Government formally charged three of these individuals with the murders, one of whom also was charged with the 1999 murder of a leader of Dushanbe's Baha'i community (*see* Section 1.a.). In July local officials refused to register a Baha'i congregation in the northern Sughd region, but the congregation was registered after the SCRA intervened.

Government law enforcement and security agencies continued their investigation of the 2000 bombings of the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church in Dushanbe, but no progress was reported by year's end.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposed some restrictions on them. Both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction was not always enforced along the western part of the border with Afghanistan, but a special visa generally was required for travelers—including international workers and diplomats—to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest was not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan during the year. In November 2001, the Ministry of Security announced that diplomats and international aid workers could travel to the Afghanistan border region without prior authorization, although 48-hour prior notice to the Ministry of Security was required. This system generally worked in practice, although personnel from the Russian Border Forces guarding the Tajik-Afghan border occasionally restricted border crossings.

Villagers in the eastern GBAO—who had been resettled after a landslide destroyed their village—claimed they were told that they would be denied emergency assistance unless they moved to a collective farm near the Uzbek border. Previous voluntary resettlements to that area were criticized for the Government's failure to deliver on promises of various support services (*see* Section 1.f.).

There were reports that border guards in the northern regions routinely subjected travelers to degrading searches for narcotics, particularly in the case of women (*see* Section 1.c.).

Foreign travelers who wish to remain in the country longer than 3 days were required to register with central authorities, and regulations required registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely were ignored in practice. There are no legal restrictions for citizens on changing residence or workplace.

In August the Ministry of Security dropped its requirement for citizens to obtain an exit visa before traveling abroad, and citizens with a valid passport may travel abroad without further authorization.

There is no law on emigration. Persons who wish to emigrate to the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive an immigrant visa from the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan Embassy or Tajikistan interests section of the nearest Russian Embassy or consulate. Labor migration was an important economic factor, and in 2001 an estimated 500 to 800 thousand persons traveled out of the country looking for work.

Persons who wish to return to the country after having emigrated must submit their applications to the Embassy of Tajikistan or Tajikistan interests section of the nearest Russian Embassy or consulate. The Government adjudicates requests on a case-by-case basis. There was no indication that persons, other than those who fled the country for political reasons after the civil war, were not permitted to return freely. Some persons active with the Tajik opposition with expired travel documents occasionally had difficulty obtaining new documents permitting them to return. During the year, the Government worked with international organizations to assist the return of approximately 800 Tajik students from Pakistan, many of whom were children of refugees who fled to Afghanistan and Pakistan during the 1992-97 civil war and who remained in Pakistan after their families returned home at the end of the war. A small number of persons remained displaced internally as a result of the civil war. The Government provided protection and modest assistance and cooperated with international organizations to resettle them voluntarily.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return to Tajikistan, as well as thousands from the former Soviet Union, returned to the country. Nearly all occupied houses were returned to their original UTO fighter owners (approximately 15,000 to 16,000 persons), although a small number of disputes remained to be settled.

The Constitution provides for the granting of asylum and refugee status in accordance with 1951 U.N. Convention and its 1967 Protocol. Under the law, a person granted refugee status is provided with the right to work and to move freely throughout the country. In August the State Migration Service under the Ministry of Labor, which has responsibility for the registration of refugees, resumed its refugee status determination and registration processes, suspended in 2000. The suspension left many Afghan refugees without valid documents and therefore vulnerable to harassment by security forces. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. According to the UNHCR, 2,784 asylum seekers were granted refugee status, and 21 cases representing approximately 100 persons were denied status. Court challenges to these denials were ongoing at year's end. During the year, 40 refugees were resettled to third countries, and approximately 800 Afghans were repatriated by the UNHCR. The UNHCR estimated that 3,500 Afghans remained in the country, not all of whom were asylum seekers.

The Government does not provide specifically for first asylum. As security improved in Afghanistan, UNHCR and the International Organization for Migration (IOM) assisted the return of approximately 2,000 displaced Afghan families camped on islands in the Pyanj River on the border with Afghanistan. By May all of the displaced persons had returned to their home villages in Afghanistan's Kunduz province.

Members of the country's Afghan refugee population were singled out for mistreatment by law enforcement authorities (*see* Section 1.c.). In June a Dushanbe city police officer arrested an Afghan refugee for having expired refugee documents and beat him after an attempted escape.

In September the Ministry of Security in Dushanbe detained 10 Afghan refugees on charges of expired refugee documents and held them incommunicado for 2 weeks. Eight of the 10 were deported to Afghanistan later that month despite international protests and claims by the refugees' families that they feared persecution if they were returned to Afghanistan.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. The country made little progress in its transition from a Soviet-model system to a more open and competitive one, and President Rahmonov and his inner circle from the Kulyab region continued to dominate the Government.

The 1999 presidential election was seriously flawed. A cumbersome registration process required candidates to obtain large numbers of signatures during a short

period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Usmon announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. President Rahmonov exercised a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; however, most observers agreed that these claims lacked credibility.

President Rahmonov's highly centralized PDPT controls an overwhelming majority of seats in both houses of Parliament. This control, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

A joint U.N. and OSCE mission that observed the February 2000 parliamentary elections to the Lower House of the new bicameral national Parliament noted improvements in the process compared to previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process, and voters elected two members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections. At least one prospective independent candidate for the Lower House of Parliament was prevented from registering for apparently political reasons. While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. The independence of election observers and counting and tabulation of results were also particular problems.

In March 2000, local district assemblies elected the members of the upper house of the national Parliament in elections that were not held under international observation. Most observers and citizens believed that the large number of appointed and indirectly elected members of the upper house made the elections largely pointless.

In May 2001, parliamentary district by-elections took place in three districts. Candidates from the IRPT and the Democratic Party were not allowed to register, leaving the remaining candidates from the President's PDPT (in Sughd and Khatlon) and the Communist Party (in Dushanbe) to run unopposed. There were reports of inflated voter turnout and proxy voting in all three districts. After being denied the opportunity to register, the IRPT and the Democratic Party boycotted participation in the Government election commission during the by-elections.

During the year, parliamentary district by-elections took place in the regions of Sughd (February and October) and Khatlon (May). All three elections were contested by candidates from the IRPT and the Democratic Party. There were a number of reports of inflated voter turnout, proxy voting, and irregularities in vote-counting in all three elections. In all three elections, the PDPT Party candidates were declared the victor.

There were 7 women in the 181-seat legislature and 1 female Deputy Chairperson in each of the 2 houses of Parliament. The President had one female state advisor, and there was one female minister in the Government.

Ethnic Uzbeks were represented in the Government, although not in direct policy-making roles, and there were four ethnic Uzbek members of Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses; however, fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGOs addressing human rights. Several such domestic organizations exist. During the year, the Ministry of Justice lowered the registration fees for NGOs, which allowed a number of new organizations to register formally with the Government; however, some NGO taxation and registration problems remained (*see* Section 2.b.). The Government prevented some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC,

U.N. agencies, NGOs, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in the country, frequently were critical of the Government. Government officials were somewhat responsive to the views of human rights groups.

The Government permitted international NGOs to operate in the country on a regular basis.

The OSCE mission in Dushanbe continued to monitor human rights issues with the help of its five field offices, which experienced varying levels of cooperation with local authorities. The ICRC also maintained an office in the country under its delegation in Uzbekistan; however, the Government continued to refuse the ICRC unconditional access to prisons (*see* Section 1.c.).

The Government's Office for Constitutional Guarantees of Citizens' Rights under the President continued its work of investigating and answering citizens' complaints; however, the office was understaffed and received uneven cooperation from other government institutions. Its annual report, published in May in the Government's Tajik and Russian language newspapers, was largely statistical in nature and focused on other government offices' unresponsive attitude toward citizen complaints.

In March the Government established a Commission on Fulfillment of International Human Rights Commitments chaired by the Deputy Prime Minister with responsibility for security and law enforcement affairs. The Commission was charged with preparing reports mandated by the Government's ratification of international human rights treaties, although its Chairman indicated that the Commission would accept complaints from private citizens and plans to work with the international community to address human rights concerns. The Commission's role in establishing government policy remained unclear.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it was not independent in practice. During the year, the Committee was not very active and issued no reports.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there was some discrimination against women.

Women.—Violence against women, including spousal abuse, was a widespread problem. In both urban and rural areas, many cases of wife beating went unreported, and many reported cases were not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations. In addition, there were widespread reports of the abduction of young women who were raped or forced to marry their abductors.

The Criminal Code prohibits rape, which is punishable by up to 20 years in prison; however, it was believed widely that most cases were unreported, and that the problem was growing, particularly in urban areas. The threat of rape often was used to intimidate women. There were no special police units for handling rape cases. There were no statistics on the number of rapists prosecuted, convicted, or punished each year.

Many domestic and international NGOs sponsored women's resource centers that address the concerns of victims of rape and domestic abuse; however, the Government's funding for such centers was extremely limited.

Prostitution is illegal; however, in practice prostitutes were not tried in court but instead were given a cursory fine and released. Pimps and madams were prosecuted regularly. The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women; however, prostitutes operated openly at night in some urban areas.

Trafficking of women for the purposes of sexual exploitation and forced labor was a serious problem (*see* Section 6.f.).

There were reports that conservative Muslims in rural areas physically harassed women for not wearing traditional attire.

The law accords women equal rights with men; however, discrimination against women remained a problem.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; in urban areas, women were employed throughout government, academic institutes, and enterprises. However, women faced diminishing educational opportunities and increasing poverty. Women

legally are entitled to receive equal pay for equal work; however, this regulation was not always enforced in practice.

The Criminal Code protects women's rights in marriage and family matters; however, girls often were pressured to marry men that they did not choose themselves, and polygyny, although illegal, was increasingly common. Women are provided 3 years of maternity leave and monthly subsidies for each child. In rural areas, women tended to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women received less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas also were much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice some inheritances passed disproportionately to sons.

Children.—The Government is committed to children's rights and welfare; however, the Government did not devote financial resources adequate to maintain the social security network for child welfare. Education is compulsory until age 16; however, the law was not enforced. Public education is intended to be free and universal; however, due to a lack of resources the public school system has deteriorated to the point where it barely functions. Parents who could afford to do so sent their children to private schools or joined together and hired teachers to give their children lessons. While most children were enrolled in school up to the completion of the secondary level, actual attendance was estimated to be lower because children supplemented family income by working in the home or in informal activities (see Section 6.d.). A significant number of school-age children—as many as one in eight, according to World Bank data—worked instead of attending school. The old but illegal Soviet practice of closing high schools at cotton harvest time and putting the students to work in the field continued in some areas (see Section 6.c.).

Health care is free, but the quality and quantity of medical services were limited. It was estimated that one child in three was malnourished. The Government acknowledged that malnutrition was a severe problem and worked with international humanitarian organizations and foreign governments to support school feeding programs.

There is no societal pattern of child abuse.

Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities.—The law stipulates the right of persons with disabilities to employment and adequate medical care; however, in practice the Government did not require employers to provide physical access for persons with disabilities. Persons with disabilities suffered from high unemployment and widespread discrimination as a result of financial constraints and the absence of basic technology to assist them.

There is no law mandating accessibility for persons with disabilities. There are facilities for persons with disabilities; however, funding was limited and the facilities were in poor condition. Several international NGOs provided limited assistance to persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law provides all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force was organized. The Federation of Trade Unions remained the dominant labor organization. The Federation consisted of 19 professional trade unions and claimed 1.5 million members—virtually all non-agricultural workers. The separate, independent Trade Union of Non-State Enterprises in 1998 had registered unions in more than 3,000 small and medium-sized enterprises, totaling approximately 30,000 employees. Many of the enterprises in which these two organizations nominally were present were not functioning because of the general economic crisis, and the membership of both declined as a result. The Council of Ministers formally consulted both organizations during the drafting of social welfare and worker rights legislation.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

The law provides citizens, but not unions, with the right to affiliate freely with international organizations, including international labor organizations. Unions may affiliate with international bodies; however, no unions had international affiliations.

b. The Right to Organize and Bargain Collectively.—Various laws provide for the right to organize and bargain collectively. Employees, members of the trade unions, and management participated in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsened, it became more difficult for enterprises to engage in effective collective bargaining.

The law mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration may take place at the company, sectoral, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions disavowed publicly the utility of strikes in the current economic crisis and advocated compromises between management and workers. In November and December, teachers in the northwest city of Panjakent went on a union-declared strike, claiming that they had not been paid wages for the previous 6 months. The teachers returned to work in late December following the payment of 3 months' wages and a pledge by the city administration to pay the remainder in early 2003. There were no wildcat strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, except in cases defined in the law; however, forced or bonded labor occurred in some cases. Neither the Law on Labor Protection nor the Law on Employment, both of which predate the existing Constitution, specifically prohibits forced or bonded labor; however, the Constitution supercedes national laws. University and secondary school students regularly were compelled to participate in the cotton harvest. Persons who formerly had worked on state or collective farms could be required to pick cotton, although wages usually were not paid, and the farms did not provide the services they once did.

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor laws establish the minimum age for the employment of children at 16, the age at which children also may leave school legally (*see* Section 5). With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age may perform household-based labor and participate in agricultural work, which is classified as family assistance. As many as one in eight school-age children worked instead of attending school (*see* Section 5). Many children under 10 years of age worked in the bazaars or sold newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths and adults, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations during the year.

The Government does not have a comprehensive policy for the elimination of the worst forms of child labor. The Government has not signed ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage, which officially was \$1.20 (4 Somoni). The minimum wage did not provide a decent standard of living for a worker and family. The Government recognized this problem and provided certain subsidies for workers and their families at the minimum wage. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise, which the employee could sell or barter in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1.5 times the normal rate and the rest of the overtime hours paid at double the rate. Payment of overtime was inconsistent in all sectors.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government did not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. Statistics in 1993 (the latest available) indicated that over one-fifth of the population worked under substandard conditions—an estimate that most observers considered much too low. Under the law, workers may leave their jobs with 2 months' notice

and may remove themselves from hazardous conditions without risking loss of employment; however, due to the poor employment situation, few did so.

Foreign workers are protected under the labor laws.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, and it was a significant problem. There were reports that low-level government officials and border guards at least tolerated trafficking of persons.

The Government approached the IOM in July for assistance in updating its criminal code to include such prohibitions. In July and October, respectively, the lower and upper houses of Parliament ratified the U.N. Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

Traffickers may be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnaping, buying and selling of minors, illegal limitations on arrival and departure in and out of the country, document fraud, and immigration violations. The penalties for these offenses are in most cases fines or imprisonment of up to 3 years, although certain immigration violations carry a sentence of up to 10 years, and rape is punishable by up to 20 years in prison. In July the head of a trafficking network was convicted and sentenced to 5 years in prison for kidnaping, exploitation of prostitution, and document and immigration fraud. In August the Government acted on information provided by IOM to charge members of two other trafficking networks with similar offenses.

There is no single government agency responsible for combating trafficking; however, in October the Government named the deputy head of the Presidential Office for Women's and Children's Issues as its coordinator for trafficking issues and established an inter-ministerial working group on migration issues also to address trafficking issues. The IOM reported that the Ministry of Security collected data on potential cases of cross-border trafficking, while the Ministry of Labor tightened the system of licenses for companies that find employment for Tajiks interested in working abroad. The Ministry of Labor, State Border Protection Committee, and airport and railway authorities also facilitated IOM's efforts to distribute information on trafficking within Dushanbe and Khojand, and specifically at the airport and train station. The Ministry of Interior was charged formally with investigating cases of prostitution, and began investigating suspected cases of trafficking in persons.

The country is a source and—to a lesser extent—a transit point for trafficked persons, primarily women. Trafficking within the country was also a problem. Ministry of Security records of crimes and deportations contained more than 900 cases of women prior to 2000 who may have been victims of trafficking. IOM estimated that at least 660 persons were trafficked from March to December. Victims came primarily from Khojand or Dushanbe, and most commonly were trafficked to Central Asia and the Middle East, including the United Arab Emirates (UAE), Yemen, Iran, and Saudi Arabia. Other trafficking destinations were Russia, other former Soviet Union countries, and Turkey. There also may be trafficking of Afghan women through the country to these destinations. The majority of victims were female, ethnically Tajik, single, aged 20 to 26, usually with at least one child (the children typically came under the care of extended family), and were new arrivals to Dushanbe or Khojand from a rural upbringing with little education. Ethnic minorities were overrepresented among victims, particularly those of Slavic origin.

There were reports of trafficking in children who are used as drug couriers. For example, in November a woman was arrested at a border crossing in northern Tajikistan with an infant that she claimed was her child; the child's diapers contained packets of heroin, and the child later was determined to be that of the woman's sister.

Victims commonly were recruited through false promises of employment. "Advertising" often was done through social contacts, because traffickers employed their local status and prestige to help recruit victims. There also were cases of false weddings and, more rarely, kidnapings (usually in rural areas). Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes employed document falsification services in order to evade entry restrictions in destination countries. Victims commonly were not separated from their travel documents until arrival in the destination country. Debt bondage was a common form of control. There were also reports of Tajik medical professionals—both male and female—trafficked to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

Traffickers included individuals who rose to positions of power and wealth as field commanders—so-called "warlords"—during the Tajik civil war. Others—including

women—were powerful local figures who used their wealth to cultivate patron-client relationships throughout their community; this created a network that communicated supply and demand for trafficking victims.

Corruption was endemic in the country, and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. Further, there was reason to believe that certain figures in the Government acted as patrons or protectors of individuals who were involved directly in trafficking. However, there was no indication of widespread institutional involvement in trafficking by the Government.

The Government did not prosecute any reported victims of trafficking. There were few resources available to victims of trafficking and none from the Government. Blackmail was employed commonly in the country's conservative society—nearly half of the trafficked women in IOM's survey reported extortion by local officials upon return to the country. Victims usually did not pursue legal recourse against traffickers due to the social stigma attached to the problem. However, the Government endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims.

Some NGO programs intended to increase awareness of trafficking exist, with support from international organizations. For example, the NGO Modar in the Sughd region provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities in Sughd. Modar also worked to direct trafficking victims to other NGOs providing social services that could be of benefit, such as those targeted at abused women. The NGO Women Scientists ran a crisis center for abused women, which provided services to trafficked women as well. In September the NGO Gamkhori in the southern city of Kurgan-Teppe began operating a crisis center and hotline for victims of trafficking and other abused women. Gamkhori also worked with local government officials throughout Khatlon oblast to conduct training and awareness seminars for officials and the public.

TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In the November parliamentary elections, Recep Tayyip Erdogan's Justice and Development (AK) Party won the majority of seats and formed a one-party government. Abdullah Gul was named Prime Minister; Erdogan was ineligible to serve in Parliament due to a past conviction for illegal speech but remained influential as party chairman. In May 2000, the Parliament elected Ahmet Necdet Sezer as President for a 7-year term. The military exercised indirect influence over government policy and actions in the belief that it is the constitutional protector of the state. The Constitution provides for an independent judiciary; however, various officials acknowledged the need for constitutional and legislative changes to ensure the judiciary's independence in practice.

The Government declared a state of emergency in the southeast in 1987 due to an ongoing conflict with the terrorist Kurdistan Workers Party (PKK), which changed its name to the Kurdistan Freedom and Democracy Congress (KADEK). At the beginning of the year, four provinces remained under a state of emergency; but the Government completed the phased lifting of the regime on November 30 and closed the State of Emergency Regional Governor's Office, which exercised authority over the governors of the emergency provinces, as well as the adjacent provinces. The Regional Governor held certain quasi-martial law powers, including the authority to impose restrictions on the press, remove from the area persons whose activities were deemed detrimental to public order, and order village evacuations. The Government continued to maintain a heavy security presence in the region, including numerous roadway checkpoints. The level of violence has decreased substantially since 1999.

The Turkish National Police (TNP) had primary responsibility for security in urban areas, while the Jandarma (paramilitary forces under joint Interior Ministry and military control) carried out this function in the countryside. The military no longer directly carried out operations against the PKK inside the country and has ended its internal security function. However, Jandarma troops continued to carry out such operations and were under operational control of the military when performing these functions. Although civilian and military authorities remained publicly committed to the rule of law and respect for human rights, members of the security forces committed serious human rights abuses.

The country had a market economy, though the state retained a dominant stake in some industries. Its population was approximately 67.8 million. During the year,

the country began to recover from a steep economic decline, while implementing wide-ranging structural reforms. The economy grew by an estimated 6.5 percent, and inflation fell to 31 percent. Per capita income reached \$2,300. Job losses for the year amounted to nearly 500,000, with unemployment rising to 10 percent, according to official statistics. Wages and benefits did not keep pace with inflation. Income inequality has increased since the onset of the economic crisis in 2000–2001.

The Government generally respected the human rights of its citizens; although there were improvements in a number of areas, several serious problems remained. Security forces continued to commit unlawful killings, including deaths due to excessive use of force and torture. Torture, beatings, and other abuses by security forces remained widespread, although the number of reported cases declined. There were reports that police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes, and a culture of impunity were major factors in the commission of torture by police and security forces. The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. Prison conditions remained poor, despite some improvements. According to the Human Rights Association (HRA), 26 persons died during the year as a result of the continuing hunger strikes to protest new small-cell prisons. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined slightly. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSCs) reflected a legal structure that protects state interests over individual rights.

The Government infringed on citizens' privacy rights. Limits on freedom of speech and of the press remained a serious problem. Journalists continued to practice self-censorship. At times the Government restricted freedom of assembly and association. The police beat, abused, detained, and harassed some demonstrators. The Government continued to impose some restrictions on religious minorities and on some forms of religious expression. At times the Government restricted freedom of movement. The Government restricted the activities of some political parties and leaders. The Government continued to harass the pro-Kurdish People's Democracy Party (HADEP), as well as the closely related Democratic People's Party (DEHAP), through various methods including police raids and detentions, although there were fewer instances than in previous years. The Government continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for ideas that were expressed in public forums. Branches of several nongovernmental organizations (NGOs) were closed, temporarily or indefinitely, particularly in the southeast. The Government exerted disproportionate pressure on Kurdish NGOs in the southeast. Violence against women and children remained serious problems, and discrimination against women persisted. There were restrictions on workers' rights. Child labor remained a problem. Trafficking in persons, particularly women and girls, remained a problem. Turkey was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

In February, March, and August, Parliament passed extensive human rights-related reforms intended to meet requirements for European Union (EU) membership. The reforms applied to areas such as free speech, pretrial detention, use of non-Turkish languages, trafficking in persons, and the rights of religious groups, among others. Under the reforms: The death penalty was abolished in peacetime; speech intended to criticize, but not insult, the state was no longer illegal; human trafficking was specifically listed as a crime; some non-Muslim religious foundations were granted the right in principle to own property; private classes and broadcasts in Kurdish and other traditional languages were permitted in principle, under tight restrictions; and rulings of the European Court of Human Rights were grounds for a retrial in a Turkish court. At year's end, Parliament was reviewing two new packages of additional reforms.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were credible reports that security forces committed unlawful killings, although there was no evidence of higher-level government complicity. The Human Rights Foundation (HRF) estimated that there were 33 killings by security forces during the year, including shootings by village guards and border patrols. HRF reported five deaths in detention under suspicious circumstances, including four recorded as suicides and one as a heart attack.

In October the TNP opened a training program in Ankara designed to prevent suicide under detention.

In July village guards killed three persons in Nureddin village, Mus Province. Ten village guards were arrested in connection with the September killing of three internally displaced persons (IDPs) returning with official permission to their homes in Ugrak village, Diyarbakir Province. The guards had reportedly been living in the victims' home. Also in September, a police officer in Istanbul shot and killed Semra Kayacan in her car. The officer was arrested 2 days later and said he fired the gun accidentally when he fell down.

Although the 1996 amendment to the Anti-Terror Law that gives wide powers to the police to open fire if suspects do not heed a call for surrender was challenged successfully, it had not officially been replaced at year's end. In October soldiers shot and killed Mehmetcan Alkan near Sacan village, Van Province, after he allegedly failed to heed a stop warning. Local residents claimed Alkan bled to death from a leg wound after soldiers fired in the air to prevent them from providing assistance.

The courts investigated most alleged unlawful killings by security forces; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare. Punishments, when handed down, generally were minimal; monetary fines have not kept pace with the high rate of inflation; and sentences were frequently suspended. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the apparent impunity of security forces for such deaths.

HRF reported that cases were opened during the year against four police officers charged with illegal use of lethal force. According to the HRF and press reports, two ongoing trials in cases of past alleged killings by security officials ended during the year, resulting in the acquittal of seven police. There were no new developments in the Bozkurt case, which remained in the court of appeals.

In November an Ankara court sentenced police officer Halil Akdag to 40 months imprisonment for killing Burhan Kockar during an October 2001 raid. Also in November, the Governor of Van Province denied approval for the investigation of the killing of Mumtaz Ozdemir, shot by Jandarma while driving in May, allegedly after failing to heed a stop warning.

In July the court of appeals approved the conviction of two police officers whose 2000 conviction for the 1995 shooting deaths of nine persons in the Gazi district of Istanbul had been annulled by the Court of Cassation.

The southeast region, populated mainly by citizens of Kurdish origin, continued to be plagued by unsolved killings. In March five bullet-riddled bodies were found in Sirmak Province. Some of the victims were reportedly wearing clothing that identified them as members of the PKK. Police were investigating the case at year's end.

According to the Ministry of the Interior, between 1995 and 2000, a total of 62 persons died in custody; some died as a result of illness or suicide.

In October a Kadirga penal court opened hearings in a case against prison administrators and guards in connection with the alleged suicide in detention of Volkan Agirman on July 15. In September a court in Fatih, a district of Istanbul, opened hearings in the case of seven police officers charged in connection with the October 2001 death in detention of Yunus Guzel.

In August an Ankara court ordered the Ministry of Interior to pay \$3,000 (4.8 billion TL) in compensation to the family of Ismet Kavaklioglu, 1 of 10 prisoners who died in a security force operation at Ankara Central Closed Prison in 1999. In March an Aydin criminal court convicted 6 police officers and sentenced each to 5 ½ years imprisonment for the 1993 death in detention of Baki Erdogan, an alleged leader of the Revolutionary People's Liberation Front (DHKP-C).

Trials continued in a number of cases from previous years, including: The case of seven soldiers charged with killing and burying a deaf shepherd in September 2001 in Van Province; three police officers accused of killing trade unionist Suleyman Yeter in March 1999 while he was in custody at the Istanbul Security Directorate Political Police Center; and the retrial of six members of a Diyarbakir Jandarma antinarcotics squad accused of killing a businessman in 1991 and whose convictions were reversed in 2000.

During the year the European Court of Human Rights (ECHR) ruled against the country in five cases involving the unlawful deprivation of life.

The Government, as well as the PKK, continued to commit a few human rights abuses against noncombatants in the southeast. According to the military, 7 civilians, 9 members of the security forces, and 25 terrorists died as a result of armed clashes.

In November an appeals court announced a verdict in the trial of 24 alleged Turkish Hizbullah militants who were indicted in July 2000 for a number of murders, including those of journalists Ahmet Taner Kislali and Ugur Mumcu. The court acquitted five defendants and sentenced the others to prison terms ranging from life sentences to 45 months.

The HRA reported a nationwide total of 171 unsolved killings by the end of September 2001, some of which may have had a political component.

Landmine explosions in the southeast killed 13 persons. Another 16, mostly children, were killed by unattended hand grenades or other weapons.

Women continued to be victims of "honor killings" (see Section 5).

b. Disappearance.—There were no reports of politically motivated disappearances. Coskun Dogan remained missing since February despite repeated attempts by family members, lawyers, and human rights workers to locate him. Amnesty International (AI) reported that family members saw Dogan on television among a group of detainees in February. Fatma Karakas, attorney for the family, said she learned that Dogan, who was charged with membership in an illegal organization, was detained in Tunceli and then moved to Sivas. Officials provided conflicting information about whether he was being detained. Karakas applied to the ECHR in May.

There were no developments in the 2001 disappearance of Serdar Tanis and Ebubekir Deniz, officials HADEP. In October 2001 the ECHR accepted their relatives' petition to investigate the case.

In February the Government amended the Penal Procedure Code to require immediate notification of arrests, consistent with constitutional amendments adopted in October 2001. However, according to AI, the new regulations were not followed in many cases.

Accurate statistics on the disappearance in previous years of persons under detention, or those seen being taken into custody by security forces or law enforcement officials, were difficult to confirm.

The Government continued to make efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. Most families of persons who disappeared held the Government and security forces responsible and consequently avoided contact with the Bureau. During the year, 3,048 persons were recorded as missing by the Security Directorate General, while 3,986 names were deleted from the missing persons file. The families of 28 missing persons applied to the Directorate seeking assistance; 7 of the missing persons in these cases were found, 2 of whom were dead. Since 1996 431 persons were reported missing due to terrorist activities, including 12 during the year. Of these, 126 were found alive, 54 were found dead, 23 were found in prison, and 228 remained missing.

HRF estimated that approximately 200 persons disappeared between 1980 and 2000, with the numbers dropping steadily after 1996.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, some members of the security forces continued regularly to torture, beat, and otherwise abuse persons. Leftists and radical Islamists were more likely than others to suffer torture. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continued to be widespread, particularly in the southeast. However, domestic human rights advocates and a variety of foreign observers continued to report a gradual decrease in the practice.

HRF estimated the number of credible applications by torture victims at its 5 national treatment centers to be approximately 965, compared with 1,200 in 2001. These figures included complaints stemming from previous years' incidents. Human rights advocates believed that thousands of detainees were tortured during the year in the southeast, where the problem was particularly serious, but that only 5 to 20 percent reported torture because they feared retaliation or believed that complaints were futile.

Some of the factors affecting the lower rate of torture were reductions in the periods of incommunicado detention; the near-absence of PKK violence; the phased lifting of the state of emergency in the southeast; and the increased scrutiny of the country due to its EU candidacy.

AI visited 13 provinces during the year and concluded that torture remained "widespread" and "systematic," despite legal reforms reducing periods of pretrial and incommunicado detention (see Section 1.d.). Torture was generally alleged to occur in the first 24 hours of police or Jandarma detention. AI concluded that torture remained pervasive regardless of the approval or disapproval of higher-ranking government officials or political leaders. The European Committee for the Preven-

tion of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reported that, during its March visit, delegates gathered compelling evidence of torture and severe ill treatment of several persons held in Diyarbakir in late 2001.

Human rights observers and medical experts said that security officials often used methods that did not leave physical traces, such as beating detainees with weighted bags instead of clubs or fists, or applying electric shocks to a metal chair where the detainee sits, rather than directly to the body. Commonly employed methods of torture reported by AI and the HRF's treatment centers included: Repeated beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles of the feet (falaka) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) were employed at the same time. Other methods used were forced prolonged standing, isolation, loud music, witnessing or hearing incidents of torture, being driven to the countryside for a mock execution, and threats to detainees or their family members.

Female detainees often faced sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers, female detainees were sometimes touched, insulted, and threatened with rape. The Legal Counsel Project Against Sexual Harassment and Rape, an NGO affiliated with the HRA, estimated that three-quarters of female detainees had experienced sexual violence, but only one-sixth of those who had undergone such violence reported it to the authorities.

Human rights attorneys and physicians who treated victims of torture said that most persons detained for or suspected of illegal political activities were generally tortured by police and Jandarma during periods of incommunicado detention before they were brought before a court; ordinary criminal suspects also reported frequent torture and mistreatment by police. In October 2001, the Constitution was amended to allow the Government to demand members of the security forces who are responsible for torture to pay compensation for civil torture claims awarded in ECHR rulings; the methods of compliance had not been created by year's end.

Because the arresting officer is responsible for interrogating the suspect, officers sometimes resorted to torture to obtain a confession that would justify the arrest. Although there was a law prohibiting evidence obtained under torture from being used in court, in practice prosecutors rarely followed up on detainees' allegations of torture. Reportedly police practice toward those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes differed. Observers said that security officials often tortured political detainees. For example, many alleged Hizbullah members claimed that they were tortured in custody, a claim that has been supported in some cases by medical evidence. However, the human rights NGO Mazlum-Der did not record any claims of torture by Hizbullah prisoners during the year.

Yuksel Azak, a distributor of the pro-Kurdish newspaper "Yedinci Gundem" and member of HRA and HADEP, claimed police gave him electric shocks, hooded him with a plastic bag, and hung him by the arms after he was arrested in January in Bingol; he was released after 3 days.

In March eight juveniles were arrested in Hacilar in Sanliurfa Province after a statue of Ataturk on the local school premises was broken. Police allegedly blindfolded, beat, threatened, and forced them to stand outside in the rain through the night. Also in March, Hamdiye Aslan was allegedly tortured and anally raped with a truncheon while she was being held in Mardin Police Headquarters. The local medical chamber has opened a case against two doctors who reported that she had not been tortured. Another doctor who stated she had injuries consistent with ill treatment was transferred to Diyarbakir. The Mardin prosecutor opened an investigation of five police officers for involvement in the case. A 23-year-old woman detained in Istanbul in March was allegedly tortured and raped with pressurized water, stripped naked, spat at, and forced to sit in excrement.

In April two Istanbul Anti-Terror Branch officers were found guilty of hanging Abdurrahim Demir by the arms and squeezing his testicles, beating him on the soles of the feet, and giving him electric shock. The court found them guilty of mistreatment, rather than torture, and the officers' sentences were suspended due to a conditional amnesty. In July Halit Tosun and Ferdi Denizhan claimed that police tortured them after they were detained in Orabaglar on June 25. They said police believed they had been kidnaped by members of HADEP for recruitment in KADEK,

and that police beat them and deprived them of sleep in order to force them to provide information against HADEP.

In September attorney Metin Iriz announced that he would file charges against Istanbul police and physicians for the alleged torture of two juveniles arrested on May 5 for suspected involvement in a murder; police at Istanbul headquarters allegedly tortured the juveniles for 4 days. Afterward physicians initially reported that the suspects were in good health, but after a complaint was filed, a separate examination concluded that they had been beaten and given electric shock.

In September 2001, police raided the HRF's Diyarbakir torture treatment center and confiscated the files of 365 persons who sought treatment for alleged torture. The files were returned the following month. A case was later opened against Sezgin Tanrikulu, HRF Diyarbakir representative, for illegally operating a health clinic and possessing banned publications. Tanrikulu was acquitted of the former charge in April and at year's end continued to face charges on the latter.

State-employed doctors administered all medical exams for detainees. Medical examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were exceedingly brief and informal, often lasting less than 1 minute. In some cases, doctors were brought reports to sign, but no examinees. Former detainees asserted that some medical examinations occurred too long after an incident of torture to reveal any definitive evidence of torture. Lawyers contended that medical reports—their only basis for filing a claim of torture—were not placed regularly in prisoners' files. The Turkish Medical Association played a leading role in the development, under U.N. auspices, of the December 2000 "Istanbul Protocol," which was an alternative medical report process that instructed doctors how to identify late signs of torture and signs of psychological torture. Prosecuting attorneys in torture cases could request exams under this process for their clients. According to the Medical Association, only about 200 of 80,000 doctors in the country were forensic specialists, and detainees were examined by general practitioners and specialists not qualified to detect signs of torture.

Turkish Medical Association Secretary General Metin Bakkalci claimed that during the year the Government took actions against doctors for reporting torture. He said Dr. Emin Yuksel was charged with a crime for reporting torture.

Citing security reasons, members of security and police forces often stayed in the examination room when physicians were examining detainees, resulting in the intimidation of both the detainee and the physician. CPT reported that law enforcement officials in Diyarbakir were systematically present while doctors examined suspects, even when suspects objected. On September 18, the Justice Ministry issued a regulation requiring doctor-patient privacy during the examination of suspects, reinforcing existing Health Ministry regulations. Exceptions were allowed in cases where the doctor or suspect requested police presence for security reasons. However, the Medical Association claimed that doctors were subject to disciplinary procedures or court cases if they requested that security officials leave the examination room. According to the Medical Association and other human rights observers, the presence of a security officer could lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice there were few such prosecutions. The Medical Association has the authority to levy fines and suspend for up to 6 months the licenses of doctors who falsify reports. However, Association officials say they were unable to enforce these sanctions because most doctors worked at least partly for the state, which protected the sanctioned doctors.

Government officials admitted that torture occurred but denied that it was systematic. The armed forces emphasized human rights in training for officers and non-commissioned officers throughout the year. Noncommissioned police officers received 2 years of training, an increase from only 10 months in the past. Police and Jandarma also received human rights training.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment was rare, and accused officers usually remained on duty pending a decision, which could take years. Legal, administrative, and bureaucratic barriers impeded prosecutions and contributed to the low number of convictions for torture. Prosecutors could initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects but could not prosecute without the officer's supervisor's permission. At year's end, Parliament was reviewing a bill that would remove the requirement to obtain such permission. Prior to the lifting of the state emergency in November, any prosecution or legal action directed at

government authorities had to be approved by the State of Emergency Regional Governor; approval was rare. The law allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on “enmity, hatred or slandering.”

The failure to enforce domestic and international bans on torture fostered a climate of official impunity that encouraged the abuse of detainees. Detainees stated that prosecutors ignored their claims of abuse during interrogation. Some prosecutors believed that all allegations of torture were manipulated by political organizations such as the PKK and claimed that detainees fabricated torture claims and injured themselves to accuse and defame the security forces.

According to a 1999 Prime Ministry directive, public prosecutors are required to make unscheduled inspections of places of detention to look for torture and other maltreatment and to report to the Prime Minister the results of their inspections. Although the Ministry of Interior stated that thousands of such inspections took place and were reported to the Ministry, human rights advocates and some prosecutors termed such inspections cursory and unlikely to lead to criminal charges against the police. The reports were not made public by year’s end.

By the end of November, prosecutors received 980 cases alleging torture by police and Jandarma. Of these, 456 cases were processed, resulting in 147 indictments and 309 case dismissals. According to the Ministry of Justice, the remaining 524 cases were still under investigation at year’s end.

A total of 147 torture cases involving police and Jandarma were brought to court during the year. Of these, 91 cases were completed, resulting in 16 convictions, 49 acquittals, 15 suspended sentences, and 11 case dismissals. During the year, court proceedings were opened against 21 military personnel accused of torture. The case against two officers was dismissed; the other cases were ongoing at year’s end.

During the year, 87 police officers received administrative punishments, such as short suspensions, for torture or mistreatment.

In November the Supreme Court of Appeals overturned a lower court ruling that had converted charges of torture against two policemen to “maltreatment.” The police allegedly administered electric shock to detainees. The appeals court declared torture a “crime against humanity” and stated that the defendants should be punished on torture charges.

In January a Diyarbakir Prosecutor indicted two anti-terror police officers for violations of Article 243 of the Criminal Code in connection with the torture of HADEP member Hasan Irmak in May 2000. The officers allegedly tortured Irmak to make him confess to a crime by hosing him with pressured water, squeezing his testicles, and boxing his ears while also employing methods of psychological torture including verbal threats.

In 2001 former detainees (or family members of current detainees) who spoke out in late 2000 at a conference about their sexual abuse under detention at various times during the last 7 years were indicted under article 159 of the Penal Code for “insulting security forces.” In several of the detainees’ cases, police officers were on trial for the alleged sexual abuse. In May 2001, new charges were brought against five of these women, on the grounds that they “incited racial and religious enmity” because they used the expression “Kurdish women” in their speeches. Subsequently in August 2001, a book of their speeches was banned and the editor was standing trial for “divisiveness” at year’s end.

In May and June 2000, Parliament’s Human Rights Committee, under Chairwoman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout the country. Piskinsut, who interviewed over 8,000 prisoners, refused to divulge the names of the alleged torture victims. In July 2001, the acting chief prosecutor asked Parliament to lift Piskinsut’s parliamentary immunity so that she could be prosecuted for refusing to provide the names. In October 2001, the president of the Parliament decided to comply with the prosecutor’s demand; however, the Constitutional Committee did not act on the request. By year’s end, no action had been taken against Piskinsut, who lost her seat in Parliament in the November elections.

In October the Manisa Penal Court convicted 10 police officers of torture and sentenced them to prison terms ranging from 60 to 130 months. The high-profile case involved 16 youths tortured in police detention in 1996. The verdict was under appeal at year’s end.

On September 25, an Istanbul court convicted 5 police officers and sentenced each to 14 months’ imprisonment for torturing 9 detainees in 1996, including journalists from the leftist newspaper “Atilim.” Two other officers were acquitted in the case. The case was under appeal at year’s end. Three of the convicted officers—Bayram Kartal, Sedat Selim Ay, and Yusuf Oz—were also convicted in December in a sepa-

rate trial involving the torture of 15 detainees in 1997, most of whom were also associated with "Atilim." However, their sentences were suspended.

Many cases from previous years remained ongoing or were unresolved, including the cases of: Police officers Kerem Dondu and Benal Demir for the alleged rape of a detainee in Istanbul in 2001 (the officers were dismissed from duty but criminal proceedings continued); Sergeant Hasan Oz and Lance Corporals Bayram Dilmac and Nadir Murat Demir, accused of torturing 11 persons from the villages of Elveren and Hanoglu and the town of Sivasli in January 2001 at the Sivasli district Jandarma station in Usak Province; and 5 police officers and 6 physicians charged in Sirkat Criminal Court in connection with the alleged torture of 7 persons in March 2001.

Some cases from previous years remained ongoing or were unresolved, including the cases of: HADEP officials including the deputy mayor of Diyarbakir, Ramazan Tekin, and the president of HADEP who alleged that they were tortured while in detention in 2000; Dr. Zeki Uzun, a gynecologist who volunteers at the HRF Izmir treatment and rehabilitation center, who continued to pursue legal redress through a civil court and the ECHR for his alleged torture while in custody in October 1999; four defendants in Istanbul who were accused of being members of the Turkish Workers and Peasants' Liberation Army (TIKKO) have been jailed since 1995 without having been convicted and whose trials were pending the outcome of a case against four police officers accused of torturing them (one of the accused persons was released from prison following a hunger strike).

During the year, the ECHR ruled against the country in three cases involving torture.

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvented or ignored these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often denied minors access to lawyers and failed to inform parents. Children and juveniles detained under the Anti-Terror Law also may have been subjected to other forms of mistreatment. Children as young as 11 years of age who were accused of SSC crimes were treated as adults.

Police harassed, beat, and abused demonstrators (see section 2.b.).

As a result of the 1984-99 conflict with the PKK, the Government continued to organize, arm, and pay a civil defense force of more than 65,000, mostly in the southeast region. This force, known as the village guards, had a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" were viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, was low.

Prison conditions remained poor, despite several improvements. Underfunding and poor administration of penal facilities remained problems. Most prisons lacked adequate medical care for routine treatment or even medical emergencies. Inmates' families often had to supplement the poor quality food.

Until late 2000, prisons were run on the ward system and most prisoners lived in 30- to 100-person wards. Under the ward system, prisoners accused of terrorism and those who shared similar ideological views were incarcerated together. In some cases, the ward inmates indoctrinated and punished fellow prisoners, resulting in gang and terrorist group domination of entire wards. Prison authorities were prevented from conducting rehabilitation activities. Between December 2000 and January 2001, the Ministry of Justice moved hundreds of prisoners charged with terrorism or organized crime to small-cell "F-type" prisons. The F-type design more closely resembled prisons found in most developed countries; according to the Government, the F-type prisons were consistent with CPT recommendations. However, human rights groups and prisoners' groups claimed that prison authorities isolated F-type inmates from each other and controlled prisoners' access to water, food, electricity, and toilets. Most F-type prisoners were held in 30 square yards each; some have individual 2-square-yard cells. Inmates had access to 62-square-yard open-air areas. Prisoners charged with ordinary crimes were being transferred to prisons with 4 to 8 inmates per cell. The ward system is scheduled to be phased out by early 2003.

HRF maintained that the Government provided insufficient funding for prison food, resulting in poor-quality meals. On June 28, about 100 wardens and inmates in Sincan F-type Prison in Ankara suffered food poisoning. According to HRF, food

sold at prison shops was too expensive for most inmates, and there was a lack of potable water.

The Government maintained that prisons were staffed with doctors, dentists, psychologists, and teachers, although there were shortages in some areas. According to the Turkish Medical Association, there were insufficient doctors, and psychologists were only available at the largest prisons.

Some inmates claimed they were denied appropriate medical treatment for serious illness. A group of prisoners in Midyat Prison in Mardin Province said they were not able to receive effective treatment at Midyat and were denied transfers to other prisons with better-equipped medical facilities. They included: Fatma Savci, allegedly suffering from a cyst in her chest and dysentery; Guzel Cicek, allegedly suffering from a cyst in her chest and a hernia; and Fatma Ozbay, allegedly suffering from migraines and anemia. In October inmates in Bayrampasa Special Type Prison in Istanbul said that prisoners who had been transferred there for medical treatment had been denied treatment. They claimed the poor conditions at the prison had caused increasing levels of pneumonia and Hepatitis B.

Inmates in F-type prisons were permitted to socialize in groups of 10 for up to 5 hours per week. In October, at the recommendation of the CPT, the Ministry of Justice removed the requirement that inmates must engage in a prior communal activity (such as sports, workshops or education) before participating in group meetings. Inmates charged with terrorism had generally refused to participate in communal activities and were therefore denied the opportunity to meet in groups.

In September the Istanbul Branch of the Association of Contemporary Jurists issued a report claiming that F-type prison authorities subjected attorneys to unnecessary searches and arbitrarily interfered with inmates' letters and telephone calls.

In September the Women's Commission of the Diyarbakir Bar Association announced the results of a study of female detainees and inmates in five southeastern provinces. According to the study, 99 percent of female detainees and inmates were subjected to "virginity testing" and many suffered other forms of physical or sexual violence (*see* Section 5).

In December prosecutors in Istanbul indicted 38 employees of Bakirkoy Prison for Women and Children on charges of mistreating prisoners and official misconduct.

Prisoners continued hunger strikes to protest F-type prisons. According to the Government, 17 prisoners were on hunger strike as of mid-October. Due to health concerns, judicial authorities suspended the sentences of 324 hunger strikers, while the President pardoned 36 and the courts released 80 from pretrial detention. According to HRA, approximately 26 hunger strikers died during the year, bringing the death toll to 75 since the strikes began. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who wanted to quit.

The trial against 1,615 persons on duty at Bayrampasi prison during the December 2001 hunger strike was ongoing at year's end. The trial against 167 prisoners also remained ongoing.

Human rights observers estimated that at any given time, at least one-quarter of those in prison were awaiting trial or the outcome of their trial. Men and women were held separately. Despite the existence of separate juvenile facilities, at times juveniles and adults were held together. Pretrial detainees were not usually held separately from convicted prisoners.

The Ministry of Justice, the General Directorate of Prisons, and the Parliamentary Human Rights Committee regularly inspected prisons and issued reports. Prison Monitoring Boards—five-person visiting committees composed of nongovernmental experts such as doctors and lawyers—also conducted inspections. During the year, the Government reached its target of creating 130 Monitoring Boards. The boards conducted 516 visits, prepared 1,336 reports, and made 5,853 recommendations for improvements to the Ministry of Justice. The number of special prison judges reached 140. Through July these judges received 4,527 petitions relating to prison conditions and sentences; they admitted 1,308 petitions, partially admitted 140, and rejected 3,079.

Human rights groups criticized the Government's selection of Monitoring Board representatives. Turkish Medical Association officials said the Government did not consult them on Board membership and selected only state-employed doctors for the bodies. Bar associations also said that their preferred candidates were not selected. Doctors and lawyers in Konya and Izmir were preparing to form "alternative" boards with members not selected by the Government.

The Government permitted prison visits by representatives of some international organizations, such as the CPT and the U.N. Special Rapporteur on Torture; the CPT visited in March and September, and conducted ongoing consultations with the

Government. Requests by the CPT to visit prisons were routinely granted; however, domestic NGOs did not have access to prisons.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention continued to be problems. According to HRA, there were 35,389 detentions by the end of September 2001, compared with 35,007 in 2000. During the year, police routinely detained demonstrators, including those protesting prison conditions (*see* Section 2.b.). Police detained dozens of members of the legal pro-Kurdish party HADEP on several occasions (*see* Section 3). The Government continued to detain persons, particularly in the southeast, on suspicion of links to Hizbullah, including teachers and imams. More than 500 Hizbullah suspects remained in detention pending trial or investigations. Police also detained human rights monitors (*see* Section 4).

To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime by the police. In the former state of emergency area, the use of a prosecutor's detention order was in practice extremely rare. The maximum detention period for those charged with individual common crimes was 24 hours, which could be extended by a judge to a maximum of 7 days; those charged with collective common crimes could be held for 48 hours.

Under the criminal code, detainees are entitled to immediate access to an attorney and may meet and confer with an attorney at any time, although this does not apply to state security cases. In practice legal experts asserted that the authorities did not always respect these provisions and that most citizens did not exercise this right, either because they were unaware of it or because they feared antagonizing the authorities. By law a detainee's next of kin must be notified as soon as possible after arrest; in criminal and civil cases this requirement was observed. Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determined that he was likely to flee the jurisdiction or destroy evidence.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly attorney access. During its March visit, the CPT discovered that nearly every person detained over the previous 9 months at the Anti-Terror and Narcotics departments of the Diyarbakir Police Headquarters were recorded as having waived their right to see an attorney. Lawyers rarely were permitted adequate access to their clients during the detention period, although they could be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often left the detainee's lawyer and family members with no information about the detention, and police often refused to disclose the place of detention or even the fact that the detainee was being held.

Lengthy pretrial detention was a problem. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, at times for years. Many such cases involved persons accused of violent crimes, but there were cases of those accused of non-violent political crimes being kept in custody until the conclusion of their trials, generally in SSC cases.

By the end of November, there were 59,080 persons held in prisons, including 29,422 detainees and 29,658 convicts. Detainees may be held for up to 6 months during the preliminary investigation period. If a case is opened, the pretrial detention period may be extended for up to 2 years. If the detainee is charged with a crime carrying a minimum punishment of 7 years or more, a court may further extend the detention period.

In state security cases, the law did not require attorney access until after 48 hours of detention, a major factor in the continued use of torture by security forces (*see* Section 1.c.). At year's end, Parliament was reviewing a bill that would require immediate attorney access for detainees in state security cases. Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of up to 4 days at a prosecutor's discretion and, with a judge's permission, which is almost always granted, for up to 7 days. Previously, prosecutors could extend this period to 10 days in the former state of emergency region, but an amendment passed in February established the 7-day limit nationwide.

Regulations on detention and arrest procedures adopted in September strengthened the requirement promptly to notify relatives of an arrest; however, according to human rights monitors this regulation has been inconsistently followed. The police maintained 24-hour monitoring bureaus that were required to record detentions on computers. However, at times legal limits on detention periods reportedly were

circumvented by subjecting a detainee to successive charges or falsifying detention records.

During the year, the ECHR ruled against the country in six cases involving unlawful arrest and detention.

On May 12, the terrorist TIKKO abducted and then released five persons in Giresun Province.

The Constitution prohibits forced exile, and the Government did not employ it. There were no new cases of internal exile during the year. The State of Emergency Regional Governor had the authority to remove individuals from the region if they were deemed "prone to disturb general security and public order." Internal exile under this authority was not supposed to exceed the duration of the state of emergency. However, human rights activists claimed that those who had previously been exiled from the southeast were not generally able to return by year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in practice the general law courts generally acted independently of the executive and legislative branches; however, various government and judicial officials discussed the need to adopt legislative changes to ensure the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and the National Security Council (NSC), a powerful advisory body to the Government composed of civilian government leaders and senior military officers, periodically issued announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The seven-member High Council of Judges and Prosecutors, which was appointed by the President and included the Minister of Justice and a deputy, selected judges and prosecutors for the higher courts and was responsible for oversight of those in the lower courts. Its decisions were not subject to review. The composition of the High Council was widely criticized as restricting the independence of the judiciary, since the Minister of Justice was part of the legislative branch of the Government. Although the Constitution provides for security of tenure, the high council controlled the career paths of judges through appointments, transfers, promotions, reprimands, and other mechanisms.

The judicial system was composed of general law courts, military courts, the SSCs, and the Constitutional Court, the nation's highest court. The Court of Cassation heard appeals for criminal cases, including appeals from the SSCs. The Council of State heard appeals of administrative cases or cases between government entities. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, could be tried only after administrative approval from the governor or subgovernor, who centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, heard cases involving military law, for members of the armed forces, and could try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft.

SSCs were composed of panels of five members: Three civilian judges and two prosecutors. SSCs sat in eight cities and tried defendants accused of crimes such as terrorism, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the Court of Cassation dealing with crimes against state security. During the year, the SSCs dealt mainly with cases under the Anti-Terror Law and sections of the criminal code relating to free expression. Human rights observers cited prosecutions of leaders of the political Islamic movement, political leaders associated with the Kurdish issue, and persons who criticized the military or the Government's practices as evidence that the SSCs often served the primarily political purpose of silencing persons who criticized the Government.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complained that they had few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials noted that problems could arise from the fact that the police report to the Interior Ministry, not to the courts. Prosecutors also are charged with determining which law has been broken and objectively presenting the facts to the court.

Defense lawyers did not have equal status with prosecutors. Defense attorneys continued to face intrusive searches when visiting incarcerated clients. Prisoners also were searched before and after meeting their attorneys. Although prisoners may by law be forced to surrender defense-related documents for review, this rarely occurred in practice. Attorneys were suspected by prison authorities and prosecutors of acting as couriers for their clients, particularly those incarcerated for mafia or terror crimes. Defense attorneys generally had access to the public prosecutor's files only after arraignment and routinely were denied access to files that the Government asserted dealt with national intelligence or security matters, particularly in SSC cases.

The harassment of lawyers involved in political cases in the southeast and throughout the country continued. Many attorneys were willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys could face criminal charges and other harassment, particularly if they defended clients accused of terrorism or illegal political activity, pursued torture cases, or sought prompt access to their clients (which police often viewed as interference). During the year, attorney Kasim Alpkaya faced charges of "insulting government officials" for refusing to allow prison officials in Diyarbakir to search him.

There is no jury system; a judge or a panel of judges decides all cases. The Constitution provides for the right to a speedy trial; however, at times trials lasted for years (*see* Section 1.d.). Trials for political crimes or torture frequently lasted for months or years, with one hearing usually scheduled each month. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurred and then only after a separate case determining the legality of the evidence was resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude before the court has established the merits of the torture allegations (*see* Section 1.c.).

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSCs. In practice only a tiny percentage of defendants had lawyers. The court consistently provided attorneys only to minors or deaf-mutes who could not represent themselves. Bar associations in large cities, such as Istanbul, had attorneys on call 24 hours a day; costs were borne by the Association.

In law and in practice, the legal system did not discriminate against any ethnic, religious or linguistic minorities; however, while legal proceedings were conducted solely in Turkish with some interpreting available, some defendants whose native language was not Turkish could be disadvantaged seriously.

The Government recognized the jurisdiction of the ECHR. Between October 2001 and July, 1,874 applications regarding Turkey were made to the ECHR. The majority of these—1,125 cases—involved the right to a fair trial; 304 concerned the right to liberty and security; 246 concerned the prohibition of torture; 104 concerned freedom of assembly and association; and 95 concerned freedom of expression. According to the European Commission, the Government's failure to execute ECHR judgments remained a serious problem. The Commission reported in October that there were 90 outstanding cases in which the Government failed to fully make payments ordered by the ECHR and 18 cases relating to freedom of expression in which the Government failed to erase the consequences of criminal convictions overruled by the ECHR. In July the Council of Europe adopted an interim resolution regarding Turkey's lack of compliance with approximately 40 ECHR judgements on violations by Turkish security forces issued since 1996.

During the year, the ECHR ruled against the Government in 54 cases—including 22 cases involving the right to a fair trial and 21 involving dispossession of property (from villages in the southeast)—and in favor of the Government in 2 cases. The Government accepted a friendly settlement in 43 cases, and the ECHR dismissed one case.

In August Parliament passed an amendment under which rulings of the ECHR could be grounds for a re-trial in a Turkish court. Previously, those who won their cases at the ECHR were only entitled to financial compensation. Re-trial applications must be approved by the General Legal Council of the Court of Appeals. The measure was not retroactive; it applied only to cases to be brought to the ECHR starting in 2003. At year's end, Parliament was reviewing a bill that would allow the measure to be applied to most past cases.

The ECHR continued its inquiry into former PKK leader Abdullah Ocalan's allegations regarding irregularities of his capture and trial in the country. Human rights observers, including the U.N. High Commissioner for Human Rights, had raised several due process concerns in the Ocalan case.

HRA estimated that there were approximately 8,000 political prisoners, including leftists, rightists and Islamists. Of these, approximately 1,500 were members of Hizbullah or other radical Islamic organizations. Justice Minister Aysel Celikel criticized these figures in an October speech and stated that there were 73 prisoners charged with “conscience crimes” for violating various anti-terror and speech codes. The Government claimed that alleged political prisoners were in fact security detainees convicted of being members of, or assisting, terrorist organizations. According to the Government, there were 7,832 convicts and detainees held on terrorism charges at year’s end.

International humanitarian organizations were allowed access to “political” prisoners, provided the organization could obtain permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, in practice few such permissions were granted (*see* Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of a person’s domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence and intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally were respected outside the former state of emergency region. If delay may cause harm to a case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large; other exceptions include persons under special observation by the security directorate general, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels.

Prior to November when the state of emergency was lifted, in the provinces under the state of emergency, the Regional Governor empowered security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintained that it was not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. By the end of July, seven provinces remained under “adjacent province” status, which authorized the Jandarma to retain security responsibility for municipalities as well as rural areas, and granted the provincial governor several extraordinary powers. From July to November, four provinces were under “adjacent province” status.

The law permits wider wiretapping, but a court order is needed to carry out a wiretap. However, in an emergency situation, a prosecutor may grant permission. The wiretap may last only 3 months, with two possible extensions of 3 months each. A constitutional amendment protects the right to privacy of person and domicile by requiring written authorization for searches and wiretapping, and they may only be used for reasons of national security. These regulations were generally respected in practice.

Defense attorneys continued to face intrusive searches when visiting incarcerated clients (*see* Section 1.e.).

The Government bans the wearing of religious head coverings in government offices, other state-run facilities, and universities (*see* Sections 2.b. and 2.c.).

Section 2. Respect for Civil Liberties, including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms in some cases. The Government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws including: Article 8 of the 1991 Anti-Terror Law (disseminating separatist propaganda); Penal Code articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Atatürk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors brought dozens of such cases to court each year—which constitute a form of harassment against writers, journalists, and political figures—judges dismissed many charges brought under these laws.

Parliament passed broad reform packages in February, March, and August that included amendments to most of these laws. The reforms generally limited the scope of these laws and, in some cases, reduced the penalties for violators. For example, under the revised Article 159 of the Penal Code, speech intended to criticize, but not insult, state institutions is no longer illegal. Under the revised Article 8 of the Anti-Terror Law, political activity is not illegal if it is not intended to disrupt the unity of the state. According to the Government, as of September, the reforms led

to the Constitutional Court overruling approximately 50 judgments made under Article 159 and 24 judgments under Article 312. However, the updated laws still restrict non-violent expression. Court cases were still being brought against writers and publishers, with an estimated 100 such cases pending at year's end.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, political Islam, and the question of Turks of Kurdish origin as "minorities"; however, persons who wrote or spoke out on such highly sensitive topics risked prosecution. Many individuals and groups who voiced opposition to the new F-type prison regime faced charges, as did a group of women who publicly accused security forces of rape.

During the year, the ECHR ruled against the country in six cases involving freedom of expression.

According to the Publishers Association of Turkey, the Government opened cases against 67 books and leveled charges against 35 publishers and 48 writers during the year; in 2001 the Government opened cases against 42 books and charged 23 publishers and 38 writers.

Independent domestic and foreign periodicals that provided a broad spectrum of views and opinions, including intense criticism of the Government, were available widely, and the newspaper business was extremely competitive. However, news items reflected a progovernment bias. For example, persons killed by security forces during operations in the southeast often were described as "terrorists" without proof of terrorist activities.

Broadcast media reached almost every adult and their influence, particularly that of television, was great. According to the High Board of Radio and Television (RTUK), there were 226 local, 15 regional, and 16 national officially registered television stations, and 959 local, 104 regional and 36 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Turkish-language private channels. The state owned and operated the Turkish Radio and Television Corporation.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish that were not world languages, such as Kurdish. RTUK monitored broadcasters and sanctioned them if they are not in compliance with relevant laws. Parliament elected the RTUK members (divided between ruling and opposition parties) and provided its budget. Although nominally independent, RTUK was subject to some political pressures. RTUK penalized private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. In general RTUK suspended television broadcasts for 1 day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." RTUK decisions may be appealed to the Provincial Administrative Court and then to the Council of State (Danistay). In some cases, such appeals were successful.

In May Parliament approved amendments increasing the number of government representatives on the RTUK Supreme Council. Under the new rules, one member of the nine-person council was chosen from among candidates nominated by the NSC, and two were chosen from among candidates nominated by the Higher Education General Board. Reporters Without Borders criticized the amendments for "tightening official control" over RTUK. The organization also criticized other amendments that enhanced RTUK's power to levy penalties against media outlets, outlawed broadcasts that "aggravate the tendency of pessimism," and authorized RTUK to regulate Internet speech.

According to HRA, RTUK closed TV and radio stations on 68 occasions in the first 6 months of the year. According to RTUK, from May through October, RTUK closed television stations on 22 occasions for periods of 1 or 2 days, and 1 radio station for 30 days. RTUK issued warnings to television stations on 9 occasions and to radio stations on 2 occasions, and required apologies from television stations on 26 occasions and from radio stations on two occasions.

RTUK closed the radio station Moral FM for 1 month in September for quoting a newspaper headline related to the attempted suicide of a government minister. In August RTUK reportedly closed the local television station Bayrak TV, broadcasting from Yozgat Province, for 3 days after its owner gave a political speech. In February RTUK banned the television station "Gun TV" for 1 year after the owner, Nevzat Bingol, was indicted for "disseminating separatist propaganda" by broadcasting a Kurdish song. The ban was lifted in March and Bingol was fined \$1,800 (2.9 billion

TL) in October. In May RTUK reportedly banned the “Voice of Anatolia” for 180 days following the broadcast of a program on the closure of the Union of Alevi-Bektasi Organizations.

In the run-up to the November 3 elections, the Government closed a number of television and radio stations for violating the principles of impartial pre-election broadcasting. In October the Supreme Election Council directed RTUK to close several television stations on these grounds, including: Kanal 6 (6 days), Star Max (6 days), and Haberturk (5 days). The local Election Council in Nevsehir Province closed down Kapadokya TV, owned by a candidate for the True Path Party, for 2 days in October for a broadcast violating the principle of “equality among political parties.” In Elazig Province the Election Council ordered closed the television stations Kanal 23 and Kanal E on similar grounds. Also in October, the Election Council closed Ulusal TV for 5 days for broadcasting a meeting of the Workers’ Party twice for 57 minutes each.

Government censorship of foreign periodicals was rare, although forms of censorship were sometimes used against periodicals in the southeast. In the former state of emergency region, 17 cassettes of Kurdish songs were banned, and several radio and TV stations were closed or suspended for broadcasting Kurdish songs. In April Sulhattin Onen, a bus driver in Diyarbakir Province, was indicted and given a 45-month suspended sentence for listening to a cassette of Kurdish music. In October Abdulmelik Firat, running as an independent candidate in national elections, was detained for speaking Kurdish while campaigning in Diyarbakir Province. He was brought before a judge and released later the same day.

In November a 14-year-old student in Kazanci village, Diyarbakir Province, was allegedly detained and beaten for saying he was “proud to be a Kurd.” Also in November, the Education Ministry dismissed six teachers because they sang Kurdish songs at a teachers’ union congress. In December the Istanbul SSC convicted 4 parents of “supporting an illegal organization” and sentenced them each to 45 months’ imprisonment for submitting a petition to the governor of Gungoren district seeking education in Kurdish for their children.

The State of Emergency Regional Governor, courts, police, and the state broadcasting oversight body denied the Kurdish population—the largest single ethnic group in the southeast—the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish-language broadcasts of news, commentary, or discussion were illegal throughout the country for most of the year. From January through November, a government decree gave the Interior Ministry, upon the request of the State of Emergency Regional Governor, the authority to ban the distribution of any news viewed as misrepresenting events in the region. In the event that a government warning was not obeyed, the decree provided for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, led to self-censorship by journalists on some issues.

However, in November the Government implemented laws passed in August allowing, under tight restrictions, broadcasts in traditional languages other than Turkish, including Kurdish. The new regulations were supposed to allow broadcasts in Kurdish and other non-Turkish languages traditionally used by Turkish citizens. Non-Turkish programs were allowed only on state-owned radio and television outlets. They were limited to 45 minutes per day, 4 hours per week on radio, and 30 minutes per day, 2 hours per week on television. Regulations require that non-Turkish radio programs be followed by the same program in Turkish, and that non-Turkish television programs have Turkish subtitles. By year’s end, there were no programs broadcast in Kurdish or other traditional non-Turkish languages. In September the Government implemented a law lifting a ban on private courses in Kurdish and other traditional non-Turkish languages (see Section 5).

Journalists practiced self-censorship. Despite government restrictions, the media criticized government leaders and policies daily and has adopted an adversarial role vis-a-vis the Government. However, some journalists remained in prison at year’s end for writing about sensitive subjects. According to Reporters Without Borders, four journalists remained in jail at year’s end for speech violations. The Press Council reported there were seven imprisoned journalists. According to the Government, there were no journalists held on speech violations, although at year’s end, there were 23 prisoners claiming to be journalists. The different figures reflected disagreement over which prisoners were legitimate journalists, and which were jailed for carrying out their journalistic duties.

In December 2000, Parliament passed the Conditional Suspension of Sentences Law (see Section 1.c.).

In February Kurdish publisher Fatih Tas was acquitted on charges of threatening the Turkish state by publishing a collection in Turkish of writings by foreign aca-

demic Noam Chomsky, whose writings accused the Government of oppressing Turks of Kurdish origin. In August Abdullah Keskin was convicted on charges of separatist propaganda for editing the Turkish edition of a book on Kurdistan written by a foreign journalist. Keskin's 6-month sentence was converted to a \$500 (800 million TL) fine.

In October the Istanbul SSC launched a court case against Sefika Gurbuz, head of the Social Support and Culture Association for Migrants (Goc-Der), and an associate on speech charges related to the organization's 1999–2001 report on forced displacement.

In April the chairman of the Teacher's Trade Union was acquitted on charges of "insulting the army and judiciary" for statements made during a December 2000 labor rally. In November the Istanbul SSC convicted Muzaffer Erdogan, publisher of the book "Letters to Savas," on charges of separatist propaganda and sentenced him to 13 months and 10 days in prison. In December the Istanbul SSC ordered the confiscation of a book on Kurds by foreign author Margaret Kahn, based on allegations of separatist propaganda.

Several actions were taken against the pro-Kurdish HADEP party (*see* Section 3).

In September the Supreme Election Board barred two prominent Islam-oriented candidates and two prominent pro-Kurdish candidates from participating in the November national elections due to past convictions for illegal speech (*see* Sections 2.c and 3).

The trial continued in the Istanbul SSC in the case of 65 activists charged with supporting illegal organizations and separatism for publishing a new "Freedom of Thought" booklet in October 2001. In November the SSC announced that 14 former parliamentarians would be charged in the case because they had lost their immunity after being voted out in the November 3 elections.

In April Mehmet Kutlular, owner of "Yeni Asya" newspaper, was acquitted on charges of provoking hatred and enmity for his remarks claiming that a 1999 earthquake in Turkey was God's punishment against the secular state. Kutlular had been convicted of the charges and jailed in May 2001 but was released in February and given a retrial due to amendments to Article 312. However, the acquittal was reversed on appeal in June, and in November the Istanbul SSC affirmed Kutlular's original conviction and 23-month sentence. Three "Yeni Asya" journalists—Saban Dogen, Sami Cebeci, and Abdil Yildirim—were also granted a retrial on charges relating to coverage of the earthquake. In September the Istanbul SSC affirmed their original conviction and 20-month sentence.

In June the Istanbul SSC acquitted Nese Duzel, columnist with the mainstream daily "Radikal," on charges of "inciting religious enmity" for her writings on the problems of the Alevi community. She continued to face charges in a separate case for "insulting the armed forces."

In November an Istanbul criminal court acquitted the journalist Ahmet Altan on charges of "insulting the armed forces" for his writings criticizing the intervention of the military in politics.

In March the National Film Censors banned a film after police protested its depiction of police brutality. In May the Diyarbakir governor banned three plays by the group "Teatra Jiyana Nu" that were to be performed in Kurdish at an arts festival.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. Police frequently raided the offices of publications. On August 20, Istanbul police raided the offices of the journals "Ekmek ve Adalet" and "Genclik Gelecektir," confiscating publications and detaining 16 persons. On August 26, Istanbul police raided the offices of the journals "Devrimci Demokrasi," "Mucadele Birliigi," "Kizilbayrak," "Alinterimiz," "Direnis," and "Isci Koylu." Police reportedly confiscated publications but did not detain anyone.

Kurdish-language audio cassettes and publications were available commercially, although the periodic banning of particular audio cassettes or singers continued, particularly in the state of emergency region.

Internet use was growing. In May Parliament passed legislation authorizing RTUK to monitor Internet speech. Under the legislation, RTUK can require Internet service providers to submit advance copies of pages to be posted online. According to Reporters Without Borders, in February RTUK fined Coskun Ak, the moderator of an Internet forum, \$5,000 (8 billion TL) for "insulting the armed forces." Under an amendment passed in August, Internet cafes were added to the list of places that police are authorized to search and confiscate materials from in order to protect "national security, public order, health, and decency" and to prevent a crime. Police were required to attain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

The Government did not restrict academic freedom; however, there reportedly was some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government sometimes restricted this right in practice. Significant prior notification to the authorities was required for a gathering, and authorities may restrict meetings to designated sites. Authorities may deny permission to assemble if they believe that a gathering is likely to disrupt public order. Associations could not use languages other than Turkish in their official contacts.

During the year, Parliament passed reform legislation implementing an October 2001 constitutional amendment expanding the rights of free assembly and association and placing the emphasis on citizens' rights and reducing the number of restrictions on their activities. Following legal reforms passed in August, the notification period for meetings was reduced from 72 hours to 48 hours, and restrictions on participation by foreigners in demonstrations were relaxed.

Authorities prevented some demonstrations. For example, the Istanbul governor did not permit a September 1 World Peace Day event organized by HRA and HADEP to be held. In March the Governor of Ankara postponed for 2 months a demonstration and meeting of the Turkish Communist Party. The Security Directorate of Manisa in May banned a panel on the Law on Higher Education organized by the Association of Celal Bayar University Students.

Police beat, abused, detained and harassed some demonstrators. In August Istanbul police reportedly used pepper spray, beat protestors, and detained about 40 participants in a demonstration against F-type prisons in front of the French Consulate. In May police allegedly beat Sevinc Celenk, the mother of a student at Istanbul Kadikoy Theological Lyceum, during a gathering in front of the school to protest the ban on headscarves. In October police reportedly beat and detained 20 students at Istanbul University protesting against the Higher Education Council. During November protests against the Education Council, which were covered live on television, Ankara police forced student Veli Kaya into a cellar and beat him. Also in November, Istanbul police reportedly beat students participating in an anti-war demonstration in the Beyoglu district.

The March 21 Kurdish Nevruz ("New Year") was celebrated peacefully in some cities, but the governors of Balikesir, Bitlis, Canakkale, Icel, Istanbul, Kars, Kahramanmaras, Sirnak, Yalova, Igdir, Erzurum, Kirsehir, Sakarya, Kayseri, Mugla, and Gebze did not allow celebrations, according to the HRF. Police detained hundreds of demonstrators and in some cases dispersed crowds with tear gas and beatings, HRF reported.

May Day celebrations were held peacefully in most cities and towns, but permission for celebrations was denied in Mersin, Diyarbakir, Kars, Mus, Tunceli, Bitlis, Bingol, Siirt, Osmaniye, Batman, and Milas, according to HRF. Police reportedly detained 20 persons who attempted to make a press statement during celebrations in Tunceli and 8 persons attempting to celebrate in Diyarbakir.

There were no new developments in the case of environmental activist Oktay Konyar.

Alp Ayan—a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center, Günseli Kaya—who also worked at the center, and 66 other persons faced charges of "holding an unauthorized demonstration" for participating in the funeral procession in October 1999 of one of the prisoners killed in the September 1999 Ulucanlar incident. Their trial began in January 2000 and was ongoing at year's end. Ayan and 50 others were acquitted in November in a similar case in which they faced charges for shouting slogans at the funeral of Huseyin Kayaci, who died in a hunger strike protesting F-type prisons in May 2001.

The Constitution provides for freedom of association; however, there were some restrictions on this right. Associations and foundations were required to submit their charters for government approval, which was a lengthy and cumbersome process. The Government closed some opposition political parties alleging that they were centers for illegal activity (see Section 3). Reform legislation adopted during the year relaxed restrictions on the rights of civil servants to form associations and lifted the ban on forming associations for civil defense purposes.

In October the Ankara SSC indicted the leaders of the country's branches of five German foundations—the Friedrich Ebert, Konrad Adenauer, Heinrich Boell, and Friedrich Naumann foundations, as well as the Orient Institute—on charges of separatism and espionage. The indictment sought jail terms of 8 to 15 years for 15 foundation officials. Charges against the officials included accusations that the foundations plotted to prevent an Australian mining company from mining gold in a village near Bergama. Their trial began on December 26. On December 18, unknown

assailants shot and killed Necip Hablemitoglu, the author of a book on which the indictment was based.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed some restrictions on some religious groups and on religious expression in government offices and state-run institutions, including universities. The Constitution establishes the country as a secular state.

The Government oversaw Muslim religious facilities and education through its directorate of religious affairs (Diyanet). The Diyanet, which some groups claimed reflected the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulated the operation of the country's more than 70,000 mosques. Local and provincial imams, who were civil servants, were employed by the Diyanet. The Government stated that the Diyanet treated equally all who requested services.

A separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu), regulated some activities and oversaw 160 non-Muslim religious groups. The Vakiflar, which dates back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, religious schools, and religious charitable foundations, such as hospitals and orphanages.

In May the Diyanet adopted a series of decisions after holding a 4-day conference on religious issues with attendees from the Diyanet's Supreme Council on Religious Issues and experts from theology schools. The Diyanet formally decided to: Allow women to participate in the congregation for daily prayers on Fridays, during religious holidays, and funeral prayers; allow original Arabic prayers to be recited in native tongues; rule that men may not use the Koran as a premise for domestic violence; underline the fact that civil marriages (rather than religious marriages) are required by law; and state that social and legal advances for women are not against the spirit of the Koran. Some women immediately began to participate in congregations with men.

The military and judiciary, with support from other members of the country's secular elite, continued to wage a private and public campaign against what they defined as Islamic fundamentalism, which they viewed as a threat to the secular republic. The armed forces regularly dismissed individuals whose official files alleged participation in Islamist fundamentalist activities. Participation in certain mystical Sufi religious-social orders (Tarikats) was officially banned by Ataturk in the mid-1920s but was largely tolerated. The NSC has called for stricter enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism; however, prominent political and social leaders remained associated with, or openly tolerant of, Tarikats or other Islamic communities. The trial of Fetullah Gulen—the leader of an Islamic religious community whose wide domestic and international network of secondary schools was earlier encouraged by the State but who was subsequently charged with plotting to overthrow the State by force—continued in absentia at year's end.

On March 5, a senior columnist for the Islamist newspaper *Yeni Safak*, Fehmi Kuru, was acquitted of charges of "inciting religious enmity" during a 1999 television broadcast.

In September the Supreme Election Board barred two prominent Islam-oriented candidates from participating in the November national elections due to past convictions for illegal speech: Recep Tayyip Erdogan, chairman of the Islam-influenced Justice and Development (AK) Party, and Necmettin Erbakan, still de facto leader of the Islamist Saadet Party (see Sections 2.a. and 3).

In October the Court of Appeals Chief Prosecutor opened a court case demanding the closure of the AK Party for being a center of activities "contrary to the principle of a secular republic." The party is charged with failing to abide by a Court ruling requiring Erdogan to resign as party chairman.

In the case of Turkish Christian Kemal Timur, who was charged in 2000 with insulting Islam, charges were dropped in June when the witnesses failed to appear in court.

Alevis constituted a Muslim minority. Many Alevis alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes. Alevis also charged that there was a Sunni bias in the Diyanet since the directorate viewed the Alevis as a cultural rather than a religious group and did not fund their activities.

In November an Appeals Court overturned the February ruling by an administrative court, which had closed the Union of Alevi-Bektasi Organizations (ABKB). The retrial of the case was pending at year's end.

There are legal restrictions against insulting any religion recognized by the state, interfering with that religion's services, or debasing its property. However, some

Christian churches were defaced, with communities unable to repair them, including in the Tur Abdin area of the southeast where many Syriac churches are found.

Religious affiliation was listed on national identity cards. Some members of non-Muslim religious groups claimed that they had limited career prospects in government or military service as a result of their religious affiliation.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often took place in non-designated places of worship. However, police occasionally barred Christians from holding services in private apartments and from proselytizing by handing out literature. These activities also occasionally led to police detention and trials. Several Christians in Istanbul continued to stand trial on charges of opening a Christian training institute without legal permission and violating Law 2911, which "prohibits unauthorized meetings and demonstrations," for holding church and bible study meetings in an apartment.

In October the Government implemented a reform measure allowing, in principle, some non-Muslim foundations to own property for the first time since 1936. Application involves a lengthy and burdensome process, and it was unclear at year's end whether any foundations would be able to comply.

The Ecumenical Patriarchate in Istanbul repeatedly has asked to reopen its seminary on the island of Halki in the Sea of Marmara; the seminary has been closed since 1971 when the state nationalized most private institutions of higher learning. Under existing restrictions, including a citizenship requirement, the religious community remained unable to train new clergy.

In April the Baha'i community lost a legal appeal against government expropriation of a sacred site near Edirne and brought the case for a final appeal to the Council of State. The Ministry of Culture had granted cultural heritage status to the site in 1993, but in January 2000 the Ministry of Education notified the Baha'i community that it had expropriated the adjacent primary school property for future use.

Three Ahmadi Muslims, who had been detained in April and charged under the Anti-Terror Law, were released on bail following an August 14 hearing. An additional five Ahmadis were released on bail in April.

There is no law that explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally were subject to government restrictions or harassment. Many prosecutors regarded proselytizing and religious activism on the part of evangelical Christians, as well as Islamists, with suspicion, particularly when such activities were deemed to have political overtones. Police sometimes arrested proselytizers for disturbing the peace, "insulting Islam," conducting unauthorized educational courses, or distributing literature that had criminal or separatist elements; courts usually dismissed such charges. If the proselytizers were foreigners, they could be deported, but they usually were able to reenter the country. In September the Erzurum SSC charged 12 Baha'i with proselytizing.

State-sponsored Islamic religious and moral instruction in all public primary and secondary schools was compulsory. Upon written verification of their non-Muslim background, "minorities" recognized by the Government under the 1923 Lausanne Treaty were exempted by law from Muslim religious instruction. Other small groups, such as Catholics, Protestants, and Syriac Christians, were not exempted. Students who completed the 8-year primary school could study the Koran in government-sponsored imam-hatip (religious) schools. The Government did not permit private Koran courses. In August police raided two houses in Antalya Province and detained persons on charges of conducting illegal Koran courses.

The Government continued to enforce a long-term ban on the wearing of religious head coverings at universities or by civil servants in public buildings. Dozens of women who wore religious head coverings, and both men and women who actively showed support for those who defied the ban, lost their jobs in the public sector as nurses and teachers; some others were not allowed to register as university students.

In March deputies from Islamist parties in Parliament pressed for a motion of censure against the Minister of Education for allegedly "creating unrest at the ministry" and "escalating tensions" by enforcing strictly the headscarf ban, including at imam-hatip (religious) high schools. In June a special parliamentary committee concluded that the Minister should not face charges.

Citizens who converted from Islam experienced some form of social harassment or pressure from family and neighbors. Proselytizing socially was unacceptable. A variety of newspapers and television shows have published anti-Christian messages, including one fringe newspaper ("Aydinlik") that published in May a purported list of 40 churches in the city of Izmir that were "bribing" converts.

Many non-Muslim religious group members, along with many in the secular political majority of Muslims, feared the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Several Islamist newspapers regularly published anti-Semitic material.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally enjoyed freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave the country may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution.

Between 1984 and 1999, and particularly in the early 1990s, the Government forcibly displaced a large number of persons from villages in the southeast. The Government justified the practice as a means of protecting civilians or preventing PKK terrorists from obtaining logistical support from the inhabitants. The Government reported that 378,000 persons had "migrated" (it disputed the term "evacuation") from 3,165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. Various NGOs estimate that from 1 to 3 million persons were displaced. The Interior Minister confirmed that in 25 provinces in the former state of emergency region, 4,455 villages and hamlets have been destroyed or deserted.

Citing security concerns, provincial authorities continued to deny some villagers access to their fields and high pastures for grazing but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. The Government estimated that 58,000 persons returned to the region from June 2000 to October 2002. More than 400 villages and hamlets have reportedly been reopened with state assistance. According to Human Rights Watch (HRW), inadequate government assistance and continued violence by security forces discouraged returns. HRW claimed the Government's return plans failed to meet international standards and had therefore not attracted international funding.

According to human rights activists, villagers, and some southeast members of Parliament, the Government did not allow displaced villagers to return unless they signed a document claiming that they had left their homes due to PKK terrorism, rather than due to government actions, and stating that they would not seek government assistance for returning. There also have been charges that resettlement priority was given to village guards and their families.

Ten village guards were arrested in connection with the September killing of three internally displaced persons (IDPs) returning with official permission to their homes in Ugrak village, Diyarbakir Province (see Section 1.a.).

In December prosecutors indicted 21 founding members of the Migration and Humanitarian Aid Foundation (GIYAV)—a Mersin-based group whose declared purpose was to provide assistance to displaced persons—on charges of aiding and abetting an illegal organization. Also in December, the General Directorate of Foundations applied to a penal court to have GIYAV disbanded on the grounds that it established relationships with foreign associations without seeking the required approval of the Interior and Foreign Ministries.

The U.N. Special Representative for Displaced Persons visited the region in June and acknowledged a more open approach to returns on the part of the Government. The European Parliament and the Parliamentary Assembly of the Council of Europe also made visits.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, upon ratifying the Convention, the Government exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. The UN High Commissioner for Refugees (UNHCR) handled cases of refugee applicants from non-European countries. The Government offers non-European refugees temporary protection while they are waiting to be resettled in another country. The Government directly handles European applicants, and provides them with the full rights required under the Convention. Once they are recognized as refugees, Europeans can remain in the country and acquire citizenship. The UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. According to the UNHCR, by August there had been 2,124 cases of (non-European) asylum seekers;

of these, UNHCR recognized 1,046 cases representing 2,247 persons. The vast majority of these applicants were Iranian and Iraqi nationals.

The number of Bosnian and Kosovar refugees declined to fewer than 1,000, mostly due to voluntary repatriation. Approximately 260 Chechens who arrived in 2001 remained, mostly in Istanbul.

A regulation obliges asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as asylum seekers. The time limit for registration in the Government's asylum program was implemented strictly and remained an obstacle to the full access by asylum seekers to procedures to determine their refugee status. According to the UNHCR, during the year 15 refugees and asylum seekers were returned to a country where they feared persecution without being given access to a complete asylum determination process, or after being granted refugee status. The obstacles in the Government's asylum procedures led to many refugees being considered as "illegals." The UNHCR estimated that approximately 14 percent of asylum seekers who approached the UNHCR were unable to register with the Government on procedural grounds. Furthermore, detained illegal immigrants found near the border areas were more likely to be questioned about their asylum status and referred for processing than those found in the interior of the country. The UNHCR and government authorities continued to work to resolve this problem and to find ways to allow greater access of all asylum seekers to processing.

If they comply with the asylum regulations' requirements, the Government registers and process asylum seekers for eligibility determination. According to the law and in practice, the failure to submit an asylum claim within a fixed time limit should not be a reason to refuse to address the application or grant asylum.

The country continued to be a transit and departure point for illegal migrants and asylum seekers of various nationalities who travel in small groups utilizing land routes, small boats, and ships on the way to other European countries.

Since 1998 the UNHCR and the Government have continued to cooperate in training border guards and other government officials responsible for asylum seekers and refugees. The training has been successful and has led to increased contacts between the UNHCR and local, military, and judicial authorities. The UNHCR also noted that the incidence of repatriation has declined as a result of this training and credited the Government for its willingness to improve the functioning of the national asylum procedure. The UNHCR works with local partners including the Turkish Red Crescent Society and the Anatolian Development Foundation to integrate refugees into society. In the past 3 years, the UNHCR has initiated several new projects to support NGOs in providing counseling and specialized assistance directed in particular at women, children, and other vulnerable groups.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, the Government restricted the activities of some political parties and leaders. The country has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. The November 3 elections featured 18 parties, 2 of which garnered enough votes to enter Parliament. Parliament elects the president as head of state every 7 years or when the incumbent becomes incapacitated or dies.

In accordance with the Constitution, the NSC—a powerful, constitutionally mandated advisory body to the Government composed of civilian government leaders and senior military officers and chaired by the president—played a significant role in shaping government policy. Under an October 2001 constitutional amendment, the military-civilian balance of the NSC was revised and its functions were redefined to emphasize its advisory nature. Under the amendments, there were nine civilian members and five military members.

The Government neither coerced nor forbade membership in any political organization; however, the Court of Appeals Chief Prosecutor could bring cases seeking the closure of political parties before the Constitutional Court, which could close them down for unconstitutional activities. In March Parliament adopted an amendment giving the Constitutional Court the option of depriving a party of state funds rather than ordering closure.

In September the Supreme Election Board barred two prominent Islam-oriented candidates and two prominent pro-Kurdish candidates from participating in the November national elections due to past convictions for illegal speech: Recep Tayyip Erdogan, chairman of the Islam-influenced AK Party; Necmettin Erbakan, still de facto leader of the Islamist Saadet Party; Murat Bozlak, chairman of the pro-Kurd-

ish HADEP Party; and Akin Birdal, human rights activist and HADEP candidate (see Sections 2.a. and 2.c.). Dozens of other candidates were also barred for past convictions. Constitutional Court Chairman Mustafa Bumin stated publicly that the bans would harm the country's relations with the EU, and he called for the lifting of obstacles to free speech.

In October the Court of Appeals Chief Prosecutor opened a court case demanding the closure of the AK Party. The party is charged with failing to abide by a Court ruling that the Chief Prosecutor asserted had required Erdogan to resign as party chairman.

The Rights and Freedoms Party (HAK-PAR), founded in February, faced closure on charges that its program contained elements contrary to the "indivisible unity of the State and nation." The case was pending at year's end.

Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak—former members of parliament—remained in prison at year's end after being convicted of belonging to an armed organization (the PKK) in 1994. If they serve the required three-fourths of their sentence, as is traditional, they would be released in 2005.

The case to close HADEP, whose predecessor parties were also closed by the Government, was pending at year's end. The case cannot be resolved without the resolution of several other SSC cases against HADEP officials, which were ongoing at year's end. In the November elections, some former HADEP leaders ran under the banner of the Democratic People's Party (DEHAP), which HADEP created as insurance against its possible preelection closure. HADEP/DEHAP officials said the party suffered from a loss of name recognition. At year's end, DEHAP was under investigation for providing forged documents while registering for elections.

HADEP/DEHAP leaders said state harassment of the party has continued to decline gradually for each of the past 3 years, following a steep reduction in PKK-related conflict. They said the party was able to operate more freely in the November parliamentary elections than in the previous election in 1999. However, throughout the year, police raided dozens of HADEP offices, particularly in the southeast, and detained hundreds of HADEP officials and members. DEHAP and HADEP members were regularly harassed by Jandarma and security officials, including verbal threats, arbitrary arrests at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to HADEP/DEHAP. Although most detainees were released within a short period, many faced trials, usually for "supporting an illegal organization," "inciting separatism," or for violations of the Law on Meetings and Demonstrations.

In April the Ankara SSC sentenced former HADEP leader Ahmet Turan Demir, Turkish Communist Party leader Aydemir Guler, and Turkish Socialist Labor Party leader Turgut Kocak to 10 months' imprisonment each for "challenging Turkey's unitary structure" during speeches at a 2000 HADEP convention. In September police raided HADEP offices in Ercis District, Van Province, confiscating books and detaining HADEP district chairman Kemal Dogruel and four other party members. The detainees were released later that day. In August Jandarma searched homes in the town of Gecitli, Hakkari Province, and detained seven persons after HADEP members distributed election forms in the area. Jandarma reportedly warned the detainees not to support HADEP and released them the next day. In November Istanbul attorney Erdal Tuncel claimed police raided his home, beat him, threatened to kill him, and told him to cut his ties to HADEP.

Mazlum-Der, HRA, and DEHAP officials throughout the region reported cases of Jandarma and village guards threatening villagers not to vote for DEHAP. The villagers were warned that, should DEHAP win the vote from that area, the town might be burned, reevacuated, or denied services (such as electricity or water). The Diyarbakir HRA office also reported one case in which the Jandarma told the residents of a village that they should show their support for DEHAP by having the village sheikh vote symbolically on behalf of the whole village.

Parties are required to have 10 percent of the nationwide vote to enter Parliament. During the year, politicians from several parties debated whether to lower the threshold. In September the ECHR decided to hear a complaint filed by HADEP that the 10 percent threshold prevented 34 of its candidates from entering Parliament in 1999, despite having won elections in their districts.

There were 24 women in the 550 seat Parliament. There was one female minister in the 24-member Cabinet, and there were no female governors. Approximately 20 women were subgovernors. The Constitution calls for equal political rights for men and women, and many women were active politically.

There were no legal restrictions on political activities by minorities. Some ethnic groups were active in political affairs; for example, many Members of Parliament and senior government officials were Kurds.

In November the Government officially completed the phased lifting of the state of emergency in the southeast. By so doing, the Government shut down the State of Emergency Regional Governor's Office, which had exercised special powers of search, detention, and interrogation. The Government continued to maintain a heavy security presence in the region, including numerous roadway checkpoints. Promised reforms and expanded freedoms were still pending at year's end. The village guards, formed as part of the Government's campaign against the PKK, have repeatedly been accused of murder, beating, rape, corruption, drug trafficking, and other abuses. The Government planned to stop hiring new village guards and gradually to close the force down as members resign or retire.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

NGOs operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. The Government met with NGOs (which it defined broadly to include labor unions), responded to their inquiries, and sometimes took action in response to NGO recommendations. The Associations Law governing the activities of most NGOs (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The HRA had branches nationwide and claimed a membership of approximately 20,000. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der. Human rights organizations were represented on some provincial and subprovincial human rights councils.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. HRA reported that more than 400 court cases were opened against the organization since 2001, including 150 cases against its Diyarbakir branch, 70 against its Izmir branch, and approximately 90 against its Istanbul provincial president. In April HRA was able to reopen its Gaziantep branch, closed since 2000. HRA was also given permission to re-open the branch in Malatya; however, they had not done so by year's end.

In August prosecutors indicted HRA Chairman Husnu Ondul and 46 others in connection with a January 2001 raid of HRA headquarters. The defendants were charged with possessing 33 publications banned by confiscation orders and face sentences of 3 to 6 months if convicted. In November the Istanbul Bar Association banned HRA Deputy Chairperson Eren Keskin from practicing law for 1 year due to her 1997 conviction for "making separatist propaganda" during a newspaper interview. Also in November, prosecutors in Ankara opened a case against the HRA for alleged "separatist propaganda" in a speech delivered in March 2001 at the HRA branch in Siirt. Prosecutors demanded the closure of all HRA offices but in December dropped the charges. In a separate case, prosecutors at year's end continued to seek the closure of the HRA Ankara branch on charges of "supporting illegal organizations."

Former HRA Chairman Akin Birdal remained on trial for alleged statements in September 2000 that the Government "should apologize for the Armenian genocide," a statement that he denied making.

In October six HRA members were acquitted on charges of violating laws requiring associations to publish all distributed brochures and leaflets in Turkish. They were charged for publishing a document spelling the Kurdish New Year "Newruz" instead of "Nevruz." Also in October, the Istanbul SSC convicted 5 journalists and trade unionists of being members of and supporting an illegal organization—the Marxist Leninist Communist Party—and sentenced each to 12 ½ years.

In March the Government gave permission to AI to form a legal association in Turkey; AI's previous application was rejected in November 2001. By year's end, AI had opened a headquarters in Istanbul and branch offices in Izmir and Diyarbakir. An Ankara office was being prepared. The organization reported good relations with the Government during the year.

The CPT continued to freely conduct prison inspections (*see* Sections 1.c., 1.d., and 1.e.).

Representatives of diplomatic missions who wished to monitor human rights were free to speak with private citizens, groups, and government officials; however, security police routinely placed such official visitors in the southeast under visible sur-

veillance. Visiting foreign government officials and legislators were able to meet with human rights monitors. There were no public reports of officials representing foreign governments being denied permission for such visits.

In August authorities in the southeast prevented a group of five members of Sweden's Green Party from entering northern Iraq. Two of the Green Party officials were reportedly detained briefly.

The Parliamentary Human Rights Investigation Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports, carried out inspections of detention centers.

Human Rights councils have been established in all 81 provinces and 831 sub-provinces. These councils are intended to institutionalize consultations among NGOs, professional organizations, and the Government. Between October 2001 and June, 1,192 complaints were filed with the councils. Of these, 924 were directly related to human rights violations; 420 were investigated, and 146 were referred to the judiciary. The councils organized hundreds of human rights conferences during the year. According to the Government, of 11,500 council members, 6,500 were public officials, 3,000 belonged to professional associations, and 2,000 were NGO members. NGO members were generally skeptical of the councils because they were dominated by government-affiliated members. Some human rights NGOs have boycotted the councils, while others were not invited to participate.

A Human Rights Presidency monitors the implementation of legislation relating to human rights, coordinates with NGOs, and educates public officials. The Presidency is attached to the Prime Ministry; it did not have a separate budget. During the year, the Presidency organized awareness campaigns and established hot lines and complaint boxes.

Parliament has established numerous government bodies to monitor the human rights situation in the country, including: High Human Rights Board—which is an interministerial committee responsible for making proposals intended to promote and to strengthen human rights protections; a Human Rights Consultation Board—designed to serve as a permanent forum for the exchange of ideas between the Government and NGOs; and a Human Rights Investigative Board.

The Government's Ten Year Human Rights Education Committee held regional seminars to educate civil servants and others on human rights problems. Regional bar associations and the EU held training seminars with the police and judges and prosecutors in several provinces and in Ankara headquarters, focusing on EU human rights standards. In February the Committee, with the Council of Europe, opened a course on police professionalism.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that the country is a secular state, regards all citizens as equal, and prohibits discrimination on ethnic or racial grounds; however, discrimination remained a problem in some areas.

Women.—Violence against women remained a problem, and spousal abuse was serious and widespread. According to the Family Research Institute in the Prime Minister's office, beating in the home was one of the most frequent forms of violence against women. The law prohibits spousal abuse; however, complaints of beatings, threats, economic pressure, and sexual violence continued. According to a 2000 survey, at least 10 percent of women experienced violence on a daily or weekly basis.

Spousal abuse was considered an extremely private matter, involving societal notions of family honor, and few women went to the police. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands.

The law allows women to apply for restraining orders against their husbands and therefore to stay in their own homes. Observers and government officials noted that this provision has been very successful in some of the cities and rural areas of the country but less so in the more traditional southeast. The law is also limited to spouses and therefore does not address some other sources of violence such as in-laws. Citizens of either sex may file civil or criminal charges for abuse but rarely did so.

There were nine government-operated shelters and eight NGO-operated consultation centers that provided services to battered women; in addition, the Child Protection and Social Services Agency provided services to victims of domestic violence through its 53 community centers.

The law prohibits rape and spousal rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Cases of rape were believed to be underreported.

“Honor killings”—the killing by immediate family members of women who were suspected of being unchaste—continued in rural areas and among new immigrants to cities; according to media reports, there could be dozens of such killings every year. They were most common in the predominantly conservative, Kurdish southeast. Under the law, persons convicted of killings that were “provoked” (such as honor killings) may receive a lighter sentence than for other types of killings. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

According to HRW, in March, 20-year-old Pinar Kacmaz was shot and killed by her father and brother in the southeast. The police had reportedly arrested Kacmaz’s father after she had reported that he threatened her life, but he was released pending trial.

The problem of suicide among young girls forced into marriage persisted and was prevalent particularly in the southeast and east, where suicides have risen by more than 50 percent since 1993 and where 80 percent of suicide victims were women. A 2001 study in Batman Province showed that for young girls with physical and psychological problems, an early marriage could be a catalyst to suicide. According to the women’s advocacy group Flying Broom, there was an increase in “forced suicides” by family members trying to avoid being charged for committing honor killings.

According to HRF, there were far fewer reports of “virginity testing” than in past years, and no reports of the practice among family members; regulations banning the practice unless requested by the woman were generally enforced. In February the Government abolished a regulation allowing the practice to be used on nursing school students. However, the Women’s Commission of the Diyarbakir Bar Association released a study indicating that 99 percent of female detainees in five southeastern provinces were subjected to the practice (*see* Section 1.c.).

Trafficking in women was a serious problem (*see* Section 6.f.).

A new Civil Code implemented in January replaced a 1926 Code that discriminated against women in some areas. In August the Government ratified the Optional Protocol to the U.N. Convention on the Elimination of Discrimination against Women. The husband is no longer the legal head of the household—the Code now stipulates that the spouses shall choose and manage the household together. Both spouses were given equal rights over guardianship and the choosing of a trade. Discrepancies between the legal marriage age for men and women were removed. A clause awarding both spouses an equal share of goods acquired during marriage applies only to marriages entered after the adoption of the new Code. Couples married before adoption of the new Code could benefit from the clause only if both spouses signed a notarized agreement before December 31. According to Flying Broom, very few couples signed such documents, as most women either did not know about the clause or could not convince their husbands to sign. Under inheritance laws, a widow generally received one-fourth of the estate, and her children received the rest. In January Parliament overturned a regulation banning female civil servants from wearing pants in the workplace, although Parliament’s internal code was not revised to conform with the regulation.

Particularly in urban areas, women were well represented at all levels in the professions, business, and the civil service, and women constituted more than one-third of university students. However, women continued to face discrimination in employment to varying degrees. Women were generally underrepresented in managerial-level positions. Women generally received equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help.

According to a 2003 UNICEF report, the literacy rate for women in 2000 was 77 percent, compared with 94 percent for men. However, in rural areas the rate could be as low as 50 percent for women. One reason for the higher rate for men is that men must serve in the army; if they do not know how to read, they are taught upon entry.

Independent women’s groups and women’s rights associations existed but have not significantly increased their numbers or activities, mostly because of funding problems. The concept of lobbying for women’s rights, including changes to the Civil Code and greater elected representation, continued to gain support. There were many women’s committees affiliated with local bar associations. Other organizations included the Association to Support Women Candidates (Ka-Der), the Flying Broom women’s advocacy group, the Turkish Women’s Union, and the Foundation for the Evaluation of Women’s Labor. Women continued to be very active in ongoing debates between secularists and Islamists, particularly with respect to the right to

choose whether to wear religious head coverings in public places, such as government offices and universities (*see* Section 2.c.).

Children.—The Government was committed to furthering children’s welfare and worked to expand opportunities in education and health, including a further reduction in the infant mortality rate. The Government Minister for Women’s and Family Issues oversaw implementation of the Government’s programs for children. The Children’s Rights Monitoring and Assessment High Council focused on children’s rights issues.

Government-provided education through the age of 14 or the eighth grade was compulsory. Traditional family values in rural areas placed a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to ensure that more girls continued their education. According to the Ministry of Education, since 1997 the percentage of girls enrolled in primary school rose from 79 to 97, while the percentage for boys rose from 91 to 98.5. However, in rural areas, the literacy rate for girls remained low, and many did not complete primary school. The literacy rate for boys, most of whom completed primary school, was higher. Some children in rural areas continued on to high school, for which they generally had to travel or live away from home.

The social security system aimed to provide social security and health insurance for all its citizens, but there were still gaps in this coverage, leaving approximately 20 percent of families and their children without coverage. According to a 2000 UNICEF report on “The State of Women and Children in Turkey,” persons not covered by insurance may use a special program to access public health care. According to UNICEF, in 2001 89 percent of 1-year-olds were immunized against tuberculosis, 88 percent were immunized against diphtheria and polio, 90 percent were immunized against measles, and 77 percent were immunized against hepatitis B. Immunization rates in some eastern and southeastern provinces lagged behind the rest of the country. Infant mortality has declined rapidly. According to UNICEF, the infant mortality rate dropped from 163 per 1,000 in 1960 to 36 per 1,000 in 2001.

Children have suffered greatly from the cycle of violence in the southeast. In the past, the migration—forced or voluntary—of many families, past terrorism against teachers, and school closings uprooted children and moved them to cities that were hard pressed to find the resources to provide basic, mandatory services such as schooling.

Persons with Disabilities.—According to both HRA and the Federation of Associations for Disabled People, there was no direct, specific discrimination against persons with disabilities, although they did suffer from a lack of economic opportunity. Persons with disabilities have some special privileges, such as the right to purchase products of the State Economic Enterprises at a discounted rate, or acquire them at no cost. During the year, the Government briefly revoked this privilege, but the Federation lobbied successfully to have it restored. The law does not mandate accessibility to buildings and public transportation for persons with disabilities. According to a 2000 UNICEF report, welfare institutions provided “limited financial, employment and educational support to the handicapped.” According to the report, the number of persons with disabilities was unknown. The Ministry of Education reports that there were 1.1 million children with disabilities in the country. Although there were many government institutions for persons with disabilities, most attention to persons with disabilities remained at the individual and family level. The Government established an “Administration of Disabilities” office under the Prime Ministry in 1997, with the mandate to develop cooperation and coordination among national and international institutions and to conduct research into issues such as delivery of services. Companies with more than 50 employees were required to hire persons with disabilities as 2 percent of their employee pool, although there was no penalty for failure to comply.

National/Racial/Ethnic Minorities.—The Constitution provides a single nationality designation for all Turks and thus does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country’s citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked public censure, harassment, or prosecution. However, Kurds who were long-term residents in industrialized cities in the west were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds migrating westward (including those displaced by the conflict in the southeast) brought with them their culture and village identity, but often little education and few skills.

There were no reports that Kurt-Kav experienced any problems during the year. There were numerous reports of citizens of Kurdish origin being prevented from registering their newborn children with Kurdish names. In some cases, charges were filed against the parents. Birth Registry Law 1587 outlaws “names which do not fit the country’s national culture, moral rules, customs or traditions, or which harm the general public.” There were numerous restrictions against free expression in Kurdish and pro-Kurdish political parties (*see* Section 2.a. and 3).

In September the Government implemented reforms designed to allow private courses teaching Kurdish and other non-Turkish languages “used by Turkish citizens in their daily lives.” However, by year’s end, there were no such courses operating. Demand for private Kurdish courses was limited, and Kurdish rights advocates argued that the regulations placed prohibitive costs by requiring that Kurdish courses be established in separate institutions, rather than added to existing language schools. In November the Government adopted regulations designed to allow, under tight restrictions, broadcasts in Kurdish and other non-Turkish languages (*see* section 2.a.). No Kurdish-language television broadcasts, radio programs, or courses were in place at year’s end.

Police exerted pressure against Kurdish cultural groups and hindered their activities, and local officials monitored and often interrupted their cultural events. In January the Jandarma arrested 500 students at Van’s Centennial University after they petitioned the rector to include Kurdish among the university’s elective courses. In February a court ordered the closure of the Mesopotamia Cultural Center, established to promote Kurdish language and culture. In January authorities closed the Kurdish Institute, charging the organization with violating the Law on Private Education. Hasan Kaya, the head of the Institute, was acquitted in three separate cases between December 2001 and August, including charges of opening an illegal language course and separatist propaganda.

The Ministry of Education tightly controlled the curriculum in schools (except foreign-language schools not part of the country’s system). The small numbers of Greek-language students had little opportunity to continue their education in the country, and consequently many went to Greece, often never to return.

No accurate estimate of the Romani population existed, but it may be significant in regions near Bulgaria and Greece. According to HRF, although no incidents of public or government harassment directed against Roma were reported, experts claimed that Roma experienced discrimination, for example, regarding employment. The Government began revising the definition of “gypsy” in official dictionaries; the old definition had included terms such as “shameless” and “thief.”

There were indications of relaxed restrictions on cultural expression. On Victory Day (August 30) a famous Turkish singer performed in several languages—including Kurdish, Armenian, Greek, and Turkish—during a concert in Ephesus supported by the Minister of Culture. In November a photography exhibition on the Syrians was held in Diyarbakir with no restrictions. In August the Tunceli Culture and Nature Festival took place with no bans on Kurdish songs.

Section 6. Worker Rights

a. The Right of Association.—Workers, including civil servants with the exception of police and military personnel, have the right under the Constitution to associate freely and form representative unions. The Constitution stipulated that no one shall be compelled to become, remain a member of, or withdraw from a labor union. Unions were independent of the Government and political parties. However, there were some limits to the right of association. Unions were required to obtain official permission to hold meetings or rallies and must allow government representatives to attend their conventions and record the proceedings. Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms; however, the Government could not dissolve a union summarily.

Slightly more than 13 percent of the total civilian labor force (15 years of age and above) were unionized. The labor force numbered approximately 24 million, with approximately 35 percent employed in agriculture. There were three confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is), the Confederation of Turkish Real Trade Unions (Hak-Is), and the Confederation of Progressive Trade Unions (DISK). There also were 4 public employees unions and 27 independent unions. Unions and their officers had a statutory right to express their views on issues directly affecting members’ economic and social interests. The Constitution prohibits unions and confederations from being involved in activity against the basic democratic principles of the country. Unions cannot give financial assistance or receive financial assistance from public authorities and political parties;

unions also cannot be founders of political parties, use the name or emblem of a political party, or be involved in commercial activity.

The law prohibits antiunion discrimination and the Constitution prohibits pressuring a worker into becoming or refusing to become a union member; however, such discrimination occurred occasionally in practice.

The International Labor Organization (ILO) has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally were applied in practice. However, private sector employers continued to try to eliminate unions.

With government approval, unions formed confederations and joined international labor bodies, as long as the organizations were not hostile to the country or to freedom of religion or belief. Turk-Is, Hak-Is, and DISK were affiliated with the International Confederation of Free Trade Unions (ICFTU).

In August Parliament passed a job security law designed to bring labor law into conformity with ILO Convention 158, which the Government ratified in 1995; the law is scheduled to take effect in 2003. The law requires employers to give a valid reason for terminating a contract and set standards for notices of termination. The law stipulates that membership in a union is not a valid reason for termination.

b. The Right to Organize and Bargain Collectively.—All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers were organized. In August civil servants were, for the first time, able to exercise the right to bargain collectively, following the implementation of the 2001 Public Servants Law. Out of 9 million labor contract workers, approximately 1.3 million were in collective contracts.

However, there were limits on this right. The law requires that, in order to become a bargaining agent, a union must represent 51 percent of the employees at a given work site, and 10 percent of all the workers in that particular industry. This barrier had the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents approximately 80 percent of organized labor. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity were not covered by a collective agreement.

The ILO has called on the Government to rescind the 10 percent rule, stating that it violates ILO Convention 98 on the rights to organize and collective bargaining. However, both Turk-Is and the Turkish Employers' Organization favor retention of the 10 percent rule, since each confederation has an established membership area. The Government has taken no action to amend the rule.

The constitutional right to strike was restricted. For example, the Constitution does not permit strikes by civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike was suspended for the first 10 years of a company's operations in the 9 free trade zones. However, workers continued to violate these restrictions with impunity. According to Hak-Is, there were a total of 27 strikes during the year involving 4,618 workers. The majority of strikes during the year were illegal, and there was no reported retaliation against workers.

Collective bargaining was required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout; non-binding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions were forbidden to engage in secondary (solidarity), political, or general strikes or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. The law governing collective bargaining, strikes, and lockouts prohibited the employer from terminating workers who encouraged or participated in a legal strike. In sectors in which strikes were prohibited, disputes were resolved through binding arbitration.

The Government has the statutory power under the law to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and the Committee on the Application of Standards regarded the Government's application of the law as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserted that the law does not contradict the Committees' principles.

According to Hak-Is, there were a total of 27 strikes during the year involving 4,618 workers. There were no lockouts in the private or public sectors. Some civil service organizations continued to demonstrate for the right to strike and for higher salaries. In December an Ankara court convicted 35 trade unionists, including Alaaddin Dincer, chairman of the teachers' union Egitim-Sen, of staging an illegal demonstration during a 2001 protest calling for the right to strike for civil servants.

A law enacted in 1984 provided for the establishment of free trade and export processing zones, which are intended to attract domestic and particularly foreign investment, and to promote international trade. There were nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (two), eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones; however, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot be settled by the parties were subject to compulsory arbitration. Workers inside the zones were paid in foreign rather than Turkish currency, giving them some protection against inflation.

c. Prohibition of Forced or Bonded Labor.—The Constitution and statutes prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). Some parents forced their children to work on the streets and to beg (see Section 6.d.). There were no reliable statistics for the number of children working on the streets nationwide. According to the Ministry of Labor, there were an estimated 10,000 children working on the streets in Istanbul and 3,000 in Gaziantep. At year's end, the Government was preparing a survey designed to determine the scope of the problem (see Section 6.d.). The Government operated 28 centers providing assistance to children working on the streets.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and labor laws forbid the full-time employment of children younger than 15, with the exception of those 13 or 14 years of age who may engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that "no one shall be required to perform work unsuited to his/her age, sex, and capacity." With this article and related laws, the Government undertook to protect children from work unsuited to their age and capacity, such as underground mining, and from working at night. According to the labor law, children who attend school can work no more than 7½ hours a day, inclusive of school time. The Ministry of Labor effectively enforced these laws only in large-scale industrial and service sector enterprises. Children working in agriculture, household-based establishments, establishments with three or fewer workers, and apprenticeship training centers and those working as domestic servants were subject to the Code of Obligations, which failed to provide a minimum age of employment. However, according to the Code of Obligations, children between the ages of 12 and 16 may not work at night and may work for no more than 8 hours a day.

Child labor was widespread, though it appeared to be decreasing. The State Statistical Institute (SSI) estimated that there were approximately 1 million child laborers as of September. SSI recorded an 8.6 percent decrease in child labor for the first 6 months of the year compared with the same period in 2001. SSI reported a 50 percent drop from 1994 to 1999. According to statistics provided in an October 1999 SSI report, 961,000 children worked in family businesses and did not receive wages, 257,000 were seasonal workers, and 387,000 were wage earners.

Child labor was used most often in small-sized enterprises. According to a study on child labor conducted by Hacettepe University in August 2001, 79.4 percent of children who were employed lived in rural area, and 92.6 percent of those children were engaged in the agricultural sector.

In practice many children worked because families needed the supplementary income. An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. The bulk of child labor occurred in rural areas and often was associated with traditional family economic activity, such as farming or animal husbandry. It was common for entire families to work together to bring in the harvest.

The gradual elimination of child labor was a national priority. The Government recognized the serious problem of child labor and worked with the ILO to document its extent and to determine solutions. The Ministry of Labor, the ILO's International Program on the Elimination of Child Labor (IPEC) government partner, has been actively combating child labor since 1992, when it established a Child Labor Unit and trained Ministry of Labor inspectors specifically in child labor issues. The Government and the ILO signed an agreement to extend IPEC until 2006. Labor inspectors only covered areas that are defined in the labor laws. Approximately 108 of the

700 field inspectors have been trained to handle child labor issues. Many children were working in areas that were not covered by labor laws, such as agriculture or the informal economy, and were therefore beyond the reach of the inspectorate.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently were preferred for future employment in the same workplace. If children employed in these businesses were registered with a Ministry of National Education Training Center, they went to the center once a week for training, and the centers were obliged by law to inspect their workplaces. There were 318 centers located in 80 cities; these centers provided apprenticeship training in 86 occupations. Only 22.8 percent of working children took advantage of these schools.

In accordance with ILO Convention 182 on the worst forms of child labor, the Government identified the worst forms of child labor as children working: In the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers. In cooperation with the ILO, the Government was preparing three surveys as part of a plan for eliminating child labor.

The Government prohibits forced or bonded labor by children; however, there were reports that such practices occurred (*see* Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—A tripartite government-industry-union body called the Minimum Wage Commission reviewed the minimum wage every 6 months. As of October, the monthly net minimum wage rate was approximately \$114 (182 million TL). The national minimum wage did not provide a decent standard of living for a worker and family. It was difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. However, most workers earned considerably more than the minimum wage. Turks has unsuccessfully called on the Ministry of Labor to exercise its authority to waive income tax and social security deductions for minimum wage earners. According to the results of a 2000 survey conducted by the Public Workers' Labor Union, a 4-member family required \$396 (633 million TL) per month to live above the poverty line. Workers covered by the labor law, who constituted approximately one-third of the total labor force, also received a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, made basic wages alone account for only approximately 37.3 percent of total compensation.

The labor law set a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribed a weekly rest day and limited the number of overtime hours to 3 per day, for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers.

In April the Government for the first time paid unemployment benefits.

The law mandates occupational health and safety regulations, but in practice the Government did not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes resulted in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment; for example, workers may issue a warning, resign, or demand compensation.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked within the country. There were allegations that police allowed operation of informal brothels in Istanbul and could also be bribed by traffickers at ports of entry.

In August Parliament passed legislation designating migrant smuggling and human trafficking as crimes. The article on smuggling related both to illegally bringing persons into the country and assisting illegal migrants in transiting the country. Those convicted of smuggling faced prison sentences of 2 to 5 years. Those convicted of human trafficking or forcing persons to work faced 5 to 10 years imprisonment, but the Government tended to treat trafficking in persons as a voluntary prostitution and illegal migrant issue. There were no statistics on traffickers or trafficking prosecutions and convictions available by year's end.

According to the Government, of 850 persons captured in 2000 for offenses relating to trafficking or facilitating illegal immigration, 350 were arrested and charged. However, no further information could be obtained about their cases.

In October the Government formed an Anti-Trafficking Task Force comprising officials from the ministries of Foreign Affairs, Health, Interior, Justice, and Labor, plus the Directorate General for Social Services and Child Protection, the Directorate General on the Status and Problems of Women, and scholars from Marmara University. The Task Force began developing a National Action Plan and creating a trafficking database. The International Organization for Migration (IOM), ILO, and UNHCR work closely with the Government.

The country was a transit point and a destination country for victims of trafficking; reportedly there was almost no trafficking of Turkish women and girls out of the country. There were no government statistics on the number of trafficking victims. Women and girls were trafficked to the country mostly from Romania, Georgia, Russia, Ukraine, Moldova, Armenia, Azerbaijan, and Uzbekistan. It was also a transit country for the trafficking of women primarily from Central Asia, the Middle East, Africa, and the former Yugoslavia to other countries in Europe. According to a 1995 study by the IOM, victims arrived by foot, trains, boats, and planes. Most trafficking activity occurred in Istanbul, Izmir, and Trabzon. Many women and girls came to the country believing that they would be working as models, waitresses, or dancers and found themselves forced into prostitution. In some cases, girls from Romanian orphanages were kidnapped and trafficked. Women who attempted to escape their traffickers have been beaten, raped, or killed. There were reports that criminal syndicates forced women to sign work contracts that amounted to debt bondage. Russian and Ukrainian organized crime groups reportedly were the primary trafficking organizations, although some reports by NGOs suggested that traffickers recruited in Eastern Europe, particularly Moldova.

Those who were trafficked into Turkey generally were detained and deported, without proper screening necessary to determine whether they were victims of trafficking. According to the Passport Law, if a prostitute or a trafficker is a foreigner, the person is immediately deported. The Law on Residence and Travelling authorizes the Ministry of Interior, governors, and subgovernors to deport foreigners after 15 days notice. If the same person is reported again for the same offense, no further notices are made and the person may be deported immediately if captured again. After women were deported, they often were re trafficked back to Turkey.

In December the Women's Status and Problems Directorate General, attached to the Ministry of Labor, organized a panel on human trafficking in Ankara. In October the Government sent representatives to a regional antitrafficking seminar in Bucharest. Bar associations and some provincial governments operated hot lines for women and children that could be used by trafficking victims for a fee.

The Government did not provide any formal protection, aid, or education to victims of trafficking and did not allocate any funding to victims. Victims were not encouraged to file civil suits or seek legal action against their traffickers. There were nine domestic violence shelters in Turkey; non-Turkish citizens in theory could use one of these shelters, but they were unlikely to know how to access them.

In December the Ministry of Labor organized a conference on human trafficking. There have not been any official antitrafficking information campaigns. The IOM, ILO, and UNHCR worked closely with the Government.

TURKMENISTAN

Turkmenistan is a one-party state dominated by its president, who continued to exercise power in a Soviet-era authoritarian style despite Constitutional provisions nominally establishing a democratic system. President Saparmurat Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party of Turkmenistan in 1992) and President of the country since its independence in 1991, legally may remain in office until his death, although he publicly announced his intention to hold elections between 2008 and 2010. Niyazov retained his monopoly on political power and on the Democratic Party, which remained the sole political party in the country. Emphasizing stability and gradual reform, official nation-building efforts continued to focus on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controlled the judicial system.

The Ministry of National Security (MNB), formerly the Committee on National Security (KNB), had the responsibilities formerly held by the Soviet Committee for State Security (KGB); primarily to ensure that the regime remains in power through the tight control of society and the suppression of dissent. In 2001 the President gave the Chairman of the KNB additional responsibilities to supervise both the military and the Ministry of Foreign Affairs, and on September 10, the President elevated the agency to a Cabinet-level Ministry. The MNB reportedly exercised wide

discretion over issues such as exit visas and Internet access and worked to limit personal freedoms. The Ministry of Internal Affairs directed the criminal police, which worked closely with the MNB on matters of national security. Both forces committed human rights abuses.

The country's economy remained dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. The Government estimated the total population to be 5.7 million. Most of the workforce was engaged in agriculture, which accounted for nearly half of total employment.

The Government's human rights record remained extremely poor, and it continued to commit serious abuses. The human rights situation deteriorated markedly after an armed attack against President Niyazov on November 25, which the regime characterized as an attempt to assassinate the President and effect a coup d'état. The Government moved quickly against perceived sources of opposition at home and abroad, requesting that several foreign governments extradite alleged conspirators in the plot to topple the regime. There were widespread, credible reports of human rights abuses committed by government officials in the course of investigating the attack, including credible reports of torture. There were numerous violations of due process under the law. The Government denied all charges of abuse, but did not provide regular access to foreign citizens accused of participating in the plot. Government authorities detained hundreds of relatives of those implicated in the plot, some of whom were physically abused and denied access to medical treatment. Relatives of those implicated in the attack also lost their jobs, were dismissed from university, and were evicted from their homes without compensation. At year's end, many remained under house arrest and were not allowed to leave the country or travel internally.

Authorities severely restricted political and civil liberties. Citizens did not have the ability to change their government peacefully. The Government registered no parties during the year and continued to repress all opposition political activities. Security forces continued to beat and otherwise mistreat suspects and prisoners. Arbitrary arrest and detention were problems. Both the criminal police and the MNB operated with relative impunity and abused the rights of individuals as well as enforced the Government's policy of repressing the political opposition. Prison conditions remained poor and unsafe. The judiciary was not independent. Prolonged pre-trial detention and unfair trials remained problems. Interference with citizens' privacy remained a problem. The Government held at least one political prisoner. The Government continued to demolish large numbers of private homes; many displaced homeowners received little or no compensation for their loss. The Government sought to limit marriages between citizens and foreigners, purportedly to protect spouses and children.

The Government severely restricted freedom of speech and did not permit freedom of the press. The Government completely controlled the media, censored all newspapers and the Internet, and never permitted independent criticism of government policy. Academic freedom declined. The Government restricted freedom of assembly and association. The Government continued to place limitations on the activities of nongovernmental groups, including minority religious groups, most of which were unable to register with the Government. The Government exercised control over religious expression. Adherents of unregistered religions were subject to various forms of harassment including arrests and abuse. The Government restricted freedom of movement. In January it abolished the exit visa requirement; however, President Niyazov proposed reintroducing an exit permission regime for citizens at the Halk Maslahaty (Council of Elders) meeting on December 30 in response to the November 25 attack. There were no domestic human rights groups because of restrictions on speech and association. Foreign diplomats observed one trial proceeding. Domestic violence and societal discrimination against women was a problem. The Government generally gave favored treatment to ethnic Turkmen over minorities. The Government severely restricted labor rights.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and

often used force to obtain confessions. There were credible reports that political prisoners were singled out for cruel treatment. There were credible reports that suspects in the November 25 attack against President Niyazov were suffocated to the point of unconsciousness, beaten, and subjected to electric shock torture to coerce confessions during pretrial interrogations by security officials. There were credible reports that authorities detained and threatened to torture relatives of those implicated in the attack to coerce confessions, that relatives of those implicated in the attack were beaten with water bottles to avoid bruising, injected with psychotropic drugs, and subjected to electric shock torture, and that their female relatives were sexually assaulted and threatened with rape. There were reports that prisoners needing medical treatment were beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions.

There were credible reports that authorities used intimidation and threats during the interrogation of one former high government official who was sentenced in October (*see* Section 1.d.).

In September and October, there were reports that former high government officials were denied proper medical treatment while in detention (*see* Section 1.d.). One of the officials reportedly suffered a heart attack shortly after he was detained and did not receive adequate medical treatment until shortly before his trial 1 month later.

In March the Government initiated an internal investigation of the KNB and other security organs, allegedly in part because of allegations of human rights abuses. President Niyazov openly criticized several members of the KNB and other ministries for violating the law, including illegal searches of private homes. Some of those criticized for human rights abuses later were dismissed from their positions and stripped of their rank. Prosecutions were initiated against the senior leadership of the KNB. Additionally, the MNB has reportedly set 3 hours every Monday during which it would accept complaints from the public.

During the fall there were several incidents in which persons attempting to illegally cross the border to Uzbekistan border were shot, resulting in at least 1 death. The authorities said that bandits were responsible for the shootings; however, Uzbekistan border guards claimed that Turkmen authorities were responsible.

Prison conditions were poor, and prisons were unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, was rampant, in part because prisoners who were ill were often not removed from the general prison population. Food was poor and prisoners depended on relatives to supplement inadequate food supplies. Facilities for prisoner rehabilitation and recreation were extremely limited. Some prisoners have died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In Turkmenbashi prison, inmates reportedly were held 14 to a cell and were permitted visits from relatives once every 3 months. Relatives could bring food one time each month. Those who did not receive food from relatives suffered greatly. In Kizlkaya prison, near Dashoguz, prisoners were forced to work in a kaolin mine under hazardous and unhealthy conditions (*see* Section 6.c.).

In November several hundred inmates broke out of a pretrial detention center near the city of Tejen. Overcrowding and lack of food, occasioned in part by an unusually large number of detainees awaiting review of their sentences in connection with the upcoming presidential pardon, reportedly sparked the jailbreak.

There were three types of prisons throughout the country: Educational-labor colonies; correctional-labor colonies; and prisons. In the correctional-labor colonies, there were reports of excessive periods of isolation of prisoners in cells and "chambers." A new prison for hardened criminals and political prisoners, located approximately 42 meters from Ashgabat, was reportedly completed by year's end. Authorities allegedly threatened, harassed, and abused prisoners in an attempt to force some prisoners to renounce their faith.

Men were held separately from women, and juveniles were held separately from adults. Political prisoners were not held separately, and usually were sent to maximum security facilities. Pretrial detainees were usually held separately from convicted prisoners in detention centers; however, there were credible reports that individuals held in connection with the November 25 attack were held together with convicted prisoners in detention centers.

Although the Government permitted the Organization for Security and Cooperation in Europe (OSCE) Mission to visit a correctional facility in 2001, the Government refused requests from foreign diplomats to visit correctional facilities by year's end.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were problems. On April 12, President Niyazov signed a law—proposed by the Parliament

(Mejlis)—transferring sole authority for approving arrest warrants to the Chairman of the Cabinet of Ministers, a position held by the President. Those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (*see* Section 2.a.).

A warrant is not required for an arrest. Citizens may be detained for up to 72 hours without a formal arrest warrant. A detainee must be issued a formal bill of indictment within 7 days of formal arrest and is to be afforded immediate access to an attorney once a bill of indictment has been issued. Under the law, a person accused of a crime may be held in pretrial detention for no more than 2 months, but in exceptional cases this may be extended to 6 months. However, in practice authorities often denied these rights.

The former Mayor of Turkmenbashi, Khalmamed Durdiev, was arrested in February and was sentenced to 12 years' imprisonment in May for misappropriating state funds, abusing his office as mayor, and committing fraud and forgery. His sentence prompted public demonstrations in Turkmenbashi in May (*see* Section 2.b.). On September 14, Durdiev was released from prison after the President stated that he had received wrong information about the former Mayor's alleged economic crimes. In December despite his release and apparent public exoneration by President Niyazov, the Supreme Court denied Durdiev's request for reinstatement of the property confiscated after he was initially found guilty.

In April the MNB arrested Geldy Kyarizov, former head of the national company Turkmenatlary, for numerous crimes, reportedly because of his disagreements with the economic and political practices of President Niyazov. He remained in detention at year's end.

In October a district court in Ashgabat found two former high-government officials guilty of fraud, misappropriating funds and three other minor charges (*see* Section 1.c.). Both received lengthy prison sentences and had their property confiscated.

In December authorities arrested a prominent civil society activist and accused him of illegally crossing the border and concealing a crime from government authorities. The purported crime was his attendance at an opposition meeting outside the country at which government authorities alleged that violent regime change was discussed, a charge other attendees of the meeting rejected.

The Government held political detainees; however, the precise number held at year's end was unknown. Although the Penal Code prohibits a person from being sentenced twice for the same offense, on May 27 Keston News Service reported that Nikolai Shelekhov—a member of Jehovah's Witnesses—was sentenced a second time for refusing conscription based on his religious beliefs. Shelekhov had already served a full prison sentence for the same charge. By year's end, Kurban Zakirov—a member of Jehovah's Witnesses—remained in detention for refusing to swear an oath of loyalty to the President, despite serving his full prison sentence.

The Government used forced exile and internal exile as punishment during the year. In 1999 President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. In November the President issued a decree for resettlement of residents of Dashoguz, Lebap, and Ahal Velayats (provinces) to an area in the northwest of the country, stating that the plan would better distribute labor resources and prompt development (primarily agricultural) of rural areas of the country. Unconfirmed reports suggested that the resettlement plan would principally affect ethnic Uzbeks living in those Velayats (*see* Section 5). President Niyazov later called for accelerated implementation of the resettlement plan, stating that it would encompass those who had "lost the respect of the nation and disturbed social tranquility with their bad behavior," a remark widely interpreted as being directed at those implicated in the November 25 attack and their relatives.

During the year, there were reports that former ministers had been ordered to leave Ashgabat and were placed under house arrest in their family homes for various criminal accusations after being dismissed by President Niyazov. The President proposed that the officials, accompanied if they desired by their families, could work off their sentences in exile. Almost all prominent political opponents of the Government chose to move to Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned during the year.

Religious leader Hoja Ahmed Orazgulychev remained in internal exile in Tedjen, after serving a prison term for unregistered religious activity.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was not independent. The President's power to select and dismiss judges subordinated the judiciary to the Presidency. The President appointed all judges for a term of 5 years. There was no legislative review of these appointments, except for the Chairman (Chief Justice) of the Supreme Court,

and the President had the sole authority to remove all appointees from the bench before the completion of their terms.

The court system consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat), and, at the lowest level, 61 district and city courts. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. When a person could not afford the services of a lawyer, the court appointed one. A person could represent himself in court. In practice authorities often denied these rights, and there were few independent lawyers available to represent defendants. There were credible reports that suspects implicated in the November 25 attack were not afforded regular access to their attorneys and that defendants' attorneys were not allowed to cross-examine other defendants in the case during the pretrial investigation.

In practice adherence to due process was not uniform, particularly in the lower courts in rural areas. Even when due process rights were observed, the authority of the Government prosecutor was so much greater than that of the defense attorney that it was very difficult for the defendant to receive a fair trial. In general foreign diplomats were not permitted access to ostensibly open court proceedings; however, in October the Government allowed foreign diplomats access to the trial of two former government officials (*see* Section 1.d.).

Lower courts' decisions may be appealed, and the defendant may petition the President for clemency. In 2001 the President announced he would amnesty 9,000 prisoners; although a large number of prisoners were released, the actual number of prisoners released was unknown. On August 11, the President stated that in December he would amnesty 16,200 prisoners. The official list of prisoners who benefited from the annual presidential amnesty was published November 24 and included 7,616 prisoners, among them 162 foreigners of indeterminate nationality. The announcement was timed to coincide with the end of the Ramadan holiday so that prisoners could arrive home in time to spend the season with their families.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov; although his sentence was reduced by half in accordance with the 2001 amnesty of prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, government authorities violated these rights frequently. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitored the activities of government officials, citizens, opponents and critics of the Government, foreign residents, and visitors. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other persons, credibly reported that their mail was intercepted before delivery. Mail delivered to the post office must remain unsealed for government inspection.

There are rules restricting searches of private homes (*see* Section 2.c.); however, authorities violated these restrictions on a massive scale during the course of the investigation into the November 25 attack against President Niyazov. There were credible reports that authorities searched homes of the accused and their families without warrants. Authorities confiscated property and evicted families of the accused with no notice and without court orders. Relatives of some of those implicated in the attack were evicted several times from different homes. Some relatives were told that they would be forced to relocate to other areas of the country under the rubric of a new resettlement plan proposed by President Niyazov (Section 1.d.).

In the past, authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. In July and August, relatives of a high-ranking official reportedly lost their jobs in connection with the Government's investigation into the official's alleged criminal activities. In November and December, virtually all relatives of those implicated in the November 25 attack lost their jobs in connection with the Government's investigation. School-aged children of suspects and their relatives were publicly shunned; university students related to those implicated in the attack were forced to withdraw under threat of public condemnation. Authorities also threatened supporters of opposition political movements with loss of employment and homes (*see* Section 2.b.). In September President Niyazov reiterated a call for background checks that would span three generations in order to determine the "moral character" of university applicants and potential government appointees (*see* Section 2.a.). Bribery has become a main component of the admission process at prestigious departments in universities. Al-

though officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly cost several thousand dollars. Paying bribes for good grades also was a common practice.

On January 4, the Government continued to demolish large numbers of private homes in Ashgabat as part of the President's beautification program. Confiscations continued throughout the year. In some cases, authorities reportedly gave persons as little as 12 hours to collect their belongings and vacate the homes. Authorities erected additional monuments and luxury apartment buildings which remained vacant, forcing numerous families to find alternate housing. Citizens who built their homes without governmental approval were not offered alternate accommodations, despite their personal investment in the property, their length of occupancy, or the degree of hardship they faced as a result. Most had built their homes with the acquiescence of government officials, who extorted bribes to allow the construction. In some cases, the same government officials ordered the subsequent destruction of the homes. Others who had proper building permits were offered apartments or plots of land in compensation; however, such plots were often undeveloped and nonirrigated.

A June 2001 Presidential Decree stated that foreigners or stateless persons may not marry citizens without meeting several requirements. The noncitizen must have been a resident of the country for a year, own a home, be at least 18 years of age, and must post a "divorce bond" of \$50,000 (26 million manat at the official rate; 1.08 billion manat at the unofficial rate) with the Government. There were no reports of marriages in the country under the new law; however, there were reports that some individuals married abroad to bypass the new law. The requirements were purportedly instituted to protect Turkmen spouses and children.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, in practice, the Government severely restricted freedom of speech and did not permit freedom of the press. The Constitution states that citizens "have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret." However, in practice those expressing views critical of or different from those of the Government were arrested on false charges of committing common crimes (*see* Sections 1.e. and 2.b.). Criticism of the Government also could lead to personal hardship, including loss of opportunities for advancement and employment (*see* Section 1.f.). In December the presidential spokesman criticized international media representatives for their reporting on the November 25 attack against the President, urging them to base their reports solely on information released via official government channels. He threatened to deprive them of accreditation as journalists if they reported any "arbitrary phrases or evaluations" that were inconsistent with the Government's characterization of the event.

The Government prohibited the media from reporting the views of opposition political leaders and critics, and it never allowed criticism of the President. The obsessive focus of the media on President Niyazov continued during the year and amplified the cult of personality centered around the President. Criticism of officials was only permitted if it was directed at those who have fallen out of favor with the President, and public criticism of government officials was done almost exclusively by the President himself.

The Government funded almost all print media. The Government censored newspapers; the Office of the President's Press Secretary's approval was required for pre-publication galley. There was only one official Turkmen newspaper published in the Russian language. Foreign newspapers from abroad were not easily obtainable; on July 16, the Government prohibited delivery of all Russian-language newspapers into the country, citing high air-mail delivery rates. The Government used newspapers to attack its critics abroad. In order to regulate printing and copying activities, in 1998 the Government ordered that all publishing houses and printing and copying establishments obtain a license and register their equipment. In August the Government imposed a new rule requiring the registration of all photocopiers and that a single individual be responsible for all photocopying activity.

The Government completely controlled radio and local television. Owners of satellite dishes had access to foreign television programming. Use of satellite dishes throughout the country was widespread. In July the President cut all satellite-cable television service, reportedly as a result of the recent broadcast on Russian satellite channels of documentary films that criticized government policies. There were reports that satellite-cable television was restored; however, certain channels were no longer received.

All publishing companies were state-owned, and works by authors of fiction who wrote on topics that were out of favor with the Government were not published. The Government-controlled Union of Writers in the past expelled members who criticized government policy; libraries removed their works.

The Government required all foreign correspondents to apply for accreditation. On numerous occasions in the past, the Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. There were reports that the Government harassed those responsible for critical foreign press items. In September the Government cut the telephone and Internet connections of a foreign correspondent, searched his home, and questioned neighbors about possible subversive activities.

Intellectuals and artists reported that security officials instructed them to praise the President in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. The Ministry of Culture's approval was required before plays opened to the public, ensuring that they did not contain antigovernment or antipresidential content. In 2001 the President closed the state-sponsored opera and ballet in Ashgabat, claiming that there was no place for such institutions in society. Foreign music was still taught and performed throughout the country; however, there was no official support for non-Turkmen music.

While Internet access was available, state-owned Turkmen Telecom was the sole Internet provider. In 2000 the Government withdrew the licenses of all private Internet providers. There were credible reports that the Government took this measure in order to monitor Internet activity, particularly electronic mail. Internet access was prohibitively expensive for most citizens. There was evidence that the Government monitored access to opposition Web sites, based in Russia, through Turkmen Telecom.

During the year, the Government increased its already significant restrictions of academic freedom. It did not tolerate criticism of government policy or the President in academic circles, and it discouraged research into areas it considered politically sensitive, such as comparative law, history, or ethnic relations. No master's degrees or doctorates have been granted in the country since 1998. In 2000 universities began reducing the period of classroom instruction from 4 years to 2 years in accordance with President Niyazov's 1995 declaration that higher education should consist of 2 years of classroom education and 2 years of vocational training. The President also decreed that foreign languages in the public education system could be taught only in special language centers and classes. Foreign language instruction also was available in private centers. Restrictions on instruction in non-Turkmen languages and limited availability of Turkmen-language textbooks contributed to the declining quality of education.

In 2001 "Rukhnama," President Niyazov's spiritual guidebook on Turkmen culture and heritage, became a basic school text (*see* Section 2.c.). As of September 1, each child is required to bring a personal copy of the Rukhnama to school. Teachers were discouraged from bringing alternative viewpoints into the classroom. The works of several writers, poets, and historians were placed on a blacklist because their portrayal of Turkmen history differed from that of the Government. According to an international human rights organization, in April 2001 the works were withdrawn from public schools and libraries. In December the basic English-language textbook for secondary students was withdrawn from public schools and libraries because the author was related to an individual implicated in the November 25 attack.

In September President Niyazov reiterated the call for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (*see* Section 1.f.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Permits are required for public meetings and demonstrations; however, they rarely were granted and applications were screened carefully. Unregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations. However, in May approximately 100 persons spontaneously demonstrated outside a Turkmenbashi courthouse protesting the guilty verdict of Khalmamed Durdiev (*see* Section 1.d.).

In August and September, students at Turkmen State University (TSU) distributed leaflets criticizing the Government at markets and schools. There were unconfirmed reports that the MNB arrested six TSU Students in September for distributing the leaflets; the students remained in detention at year's end.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. No political groups critical of government policy were able to meet the requirements for registration. The Government used laws on the registration of political parties to prevent the emergence of potential opposition

groups. The only registered political party was the Democratic Party, the former Turkmen Communist Party. It was extremely difficult for new nongovernmental organizations (NGOs) to register with the Government (*see* Sectiona.). NGOs that could not register successfully with the Government often were forced to join an already registered NGO as a subgroup in order to gain the legal benefits of registered NGOs.

The Government does not forbid membership in a political organization; however, in practice those who claimed membership in political organizations other than the Democratic Party of Turkmenistan were harassed and, in the past, tortured.

Beginning in September 2001, social and cultural organizations without political purposes came under increased pressure by the Government. During the year, one NGO was legally registered. Authorities increased monitoring of NGOs and civil society groups around the country after the November 25 attack. Authorities refused to allow a scheduled conference on NGO registration to take place at a local hotel, which was instead held at a foreign embassy. In September a local security officer closely questioned a Peace Corps local staffer about the activities of their organization's volunteers. In the wake of the November 25 attack, authorities closely questioned host families about the activities of Peace Corps volunteers and stopped and searched a vehicle in which a Peace Corps volunteer was traveling.

Under the law citizens have the freedom to associate with whomever they please; however, authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes (*see* Section 1.f.). In addition, some citizens with links to foreigners were subject to official intimidation. Some representatives of NGOs and civil society activists were questioned by government officials after attending a reception in honor of International Human Rights Day at the residence of a foreign ambassador. On several separate occasions, security officials stopped vehicles and questioned Turkmen citizens as to why they were traveling with foreign citizens.

c. Freedom of Religion.—The Constitution provides for freedom of religion, as does the 1991 Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and 1996; however, in practice the Government did not protect these rights. The law has been interpreted to control religious life tightly and to restrict severely the activities of all religions. There are no safeguards in the legal system that provide for remedy against violation of religious freedom or persecution by private actors.

There is no state religion, but the majority of the population is Sunni Muslim. The Government has incorporated some aspects of Islamic tradition into its efforts to redefine a national identity. However, the Government placed some restrictions on Muslims. For example, the Government controlled the establishment of Muslim places of worship and limited access to Islamic education. In a meeting with religious leaders in January, President Niyazov stated that he had closed all but one institution of Islamic education to prevent what he believed was inappropriate instruction of Islam. He also stated that future annual classes of religious students would be limited to between 15 to 20 students a year, who would study at the Theological Faculty at TSU. The Government controlled the curriculum of this instruction. The state-supported Council on Religious Affairs (CRA) was part of the Government bureaucracy and appeared to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, despite the fact that this role is not listed among the CRA's duties in the Law on Religion.

There was no official religious instruction in public schools. However, students were required to study Rukhnama at all public schools and institutes of higher learning (*see* Section 2.a.). Mosques were also required to keep copies of Rukhnama, and President Niyazov has been mentioned officially in Muslim prayer. The President attempted to use these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby shape citizens' religious and cultural behavior.

According to the law on religious organizations, all congregations are required to register with the Government; however, in order to register, a congregation must have 500 citizens (each at least 18 years old) in each locality in which it wishes to register. Authorities have interpreted the law to mean that a congregation with 500 members throughout the country cannot register; that number must be in a single locale. As a result of these requirements, the Government continued to deny registration to religious communities, except Sunni Muslims and Russian Orthodox Christians, most of whom have succeeded in registering. However, there were credible but unconfirmed reports that certain congregations of Russian Orthodox Christians were prevented from practicing their faith despite the religion's registration with the Government.

Non-registered religious congregations were present in the country, including Bahai's, Baptists, Hare Krishnas, Jehovah's Witnesses, and Pentecostals, among others; however, the Government restricted their activities. Non-registered religious groups were prohibited officially from conducting religious activities, including gathering, disseminating religious materials, and proselytizing. This was a consequence of the Government's interpretations of the law rather than the law itself, which does not prohibit non-registered religious groups from gathering. For example, the Law on Public Associations specifically excludes its application in the case of religious gatherings. Nevertheless, government authorities regularly applied the Law on Public Associations when non-registered religious groups meet, even if the meetings occurred in private homes. Participants were subject to fines and administrative arrest, according to the country's administrative code, and once administrative measures were exhausted, they were subject to criminal prosecution. In such cases, the Soviet-era 1988 regulation on the procedure for conducting gatherings, meetings, marches, and demonstrations was applied, although gatherings in private homes were not within the scope of this regulation.

In November and December, local authorities, including intelligence and law enforcement officials, pressured a member of the Baha'i faith to abandon her beliefs, forced her to surrender religious literature, and threatened to resettle her to a labor colony if she persisted in teaching and distributing literature about Baha'ism to members of her village. The incident appears to have been locally isolated; there were no reports of similar harassment from other Baha'i believers. Members of minority faiths generally were able to quietly practice their faith as long as they avoided the attention of authorities.

There was a significant decline in the reports of government harassment of Baptists. However, on July 14, state officials visited the homes of two Baptist families and ordered their deportation. Authorities cited the expiration of the families' residence permits in November 2001 as the reason for the deportation order. Keston News Service reported that in January in Khazar, six members of a Baptist congregation were fined for holding "illegal services." Also in Khazar, in December 2001, there were reports that authorities threatened an elderly blind Baptist with eviction from her apartment after she held a Baptist service that had been raided by secret police earlier in the week.

In November 2001, police raided a Protestant Word of Life Church in Ashgabat. Approximately 40 persons were arrested after police dispersed the gathering held in a private apartment. Three foreign citizens who participated in the meeting were deported. The other participants subsequently were released, but authorities imposed large fines on them. The Church members were threatened with dismissal from work, confiscation of identity documents, and long-term imprisonment if the fines were not paid. The owner of the apartment in which the meeting was held was threatened with eviction. There were no reports on whether the eviction was carried out. In December 2001, the Keston News Service reported that several members of the Church were rearrested for their participation in the November meeting; one member was reportedly sentenced to 15 days in prison. This report was not confirmed.

In January Baptist prisoner of conscience Shageldy Atakov was released from prison. Atakov had been in prison since 1999 for allegedly making an illegal transfer of automobiles in 1994. His original sentence of 2 years had been extended to 4 years and he was reportedly fined \$12,000 (62.4 million manat at the official rate; 258 million manat at the unofficial rate), an unusually large fine for such an offense. Atakov denied the charges and claimed that he was being imprisoned because of his religious beliefs. Following his early release from prison, Atakov was placed under a month of observation by agents of the MNB, after which he was given complete freedom of movement and allowed to receive visitors.

In November 2001, the Government charged the owner of an apartment for holding meetings of an unregistered religious organization in her home. The apartment owner was fined and evicted from her apartment. In January she left the country fearing for her personal safety.

Ethnic Turkmen who have converted to Christianity have been subjected to official harassment and mistreatment. Ethnic Turkmen members of unregistered religious groups who were accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they have received financial support from foreign sources.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

The Government attempted to restrict the freedom of parents to raise their children in accordance with their religious beliefs.

Unregistered religious groups faced government harassment if they attempted to distribute religious literature.

In January the Government abolished the exit visa regime that restricted external movement by citizens. Members of unregistered religious groups were allowed to travel to other countries for religious meetings without interference, and there were reports of believers exercising this option. In May approximately 30 Catholics were allowed to travel to Azerbaijan, to attend a Mass given by the Pope. During the year, the Government controlled the number of persons allowed to participate in the annual Muslim pilgrimage to Mecca (the hajj), specifying that only 187 pilgrims would be allowed to journey to Mecca (out of the country's quota of 4,600). Transport was to be provided free of charge by the national airline. However, in January the Government abolished exit visas, in theory permitting travel to all those who wished to participate in the Hajj. The Government did not release statistics on how many pilgrims actually participated in the Hajj during the year; however, there were anecdotal reports of individuals participating even though the Government closely screened travelers.

Keston News Service reported that in December 2001, several members of Jehovah's Witnesses who had been imprisoned for conscientious objection were released; however, six coreligionists were not, reportedly because they refused to swear an oath of loyalty by placing a hand on the Koran.

The societal attitude toward conversion from Islam to any other religion generally was surprise, and often disapproval.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricted both freedom of movement within the country and travel abroad to some citizens of the country, and restricted the travel of foreign diplomats within the country.

Citizens still carried internal passports. These documents were used primarily as a form of identification, rather than as a means of controlling movement. The Government tightened restrictions on travel to border cities and regions, and declared large parts of the country restricted zones. Residence permits were not required, although the place of residence was registered and noted in passports.

The Government used its power to issue passports as a means of restricting international travel. In January the President abolished the exit visa regime. According to the decree, a foreign entry visa or an invitation to travel outside of the country would suffice. Travel of certain citizens remained restricted, including: convicted criminals, those required to complete compulsory military service, and those with access to state secrets. There were also reports that local officials and some employers restricted individuals from traveling abroad by allegedly threatening them with the loss of their jobs if they traveled abroad. However, the President proposed reintroducing an exit permission regime for Turkmen citizens at the Halk Maslahaty (Council of Elders) meeting December 30 in response to the November 25 attack.

In July President Niyazov announced restrictions for citizens traveling to Iran and Uzbekistan, purportedly to control narcotics trafficking and other smuggling. The Government charged a \$6.00 (31,200 manat at the official rate; 129,000 manat at the unofficial rate) fee for travel; individuals must register their travel, indicating why they were traveling, the duration of the trip, and whom they intended to visit. During the fall, there were several incidents in which persons attempting to illegally cross the border into Uzbekistan were shot, resulting in one death (*see* Section 1.c.).

Most citizens were permitted to emigrate without undue restriction, although there were credible reports that authorities harassed those who intended to emigrate or who had emigrated and returned to the country for a visit.

The Government discouraged immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries and immigration by non-Turkmen from the former Soviet Union (*see* Section 5).

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law establishes procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government granted refugee or asylee status to some ethnic Turkmen from Afghanistan and allowed some Tajik refugees and migrants to reside in the country. During the year, 58 persons were granted first asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. After the start of international military operations in Afghanistan, the Government agreed to increase its cooperation with the UNHCR, the International Organization for Migration (IOM), and other

international refugee and relief agencies to assist refugees from Afghanistan. The Government also played an important role in facilitating the flow of humanitarian assistance for refugees who remained in Afghanistan.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have the ability to effect peaceful change in the Government and had little influence on government policy or decision making. The 1992 Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power over the state was absolute; despite the appearance of decision-making by consensus, most decisions were made at the presidential level, and the country remained a one-man state. A 1994 national referendum, which was neither free nor fair, extended the President's term to 2002, eliminating the need for the scheduled presidential election in 1997. In 1999 the Halk Maslahaty proposed, and the newly elected Parliament approved, a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President; however, the exception only applies to Niyazov, as the country's first president, effectively conferring on him a lifetime term in office. During the year, Niyazov stated publicly that elections would be held between 2008 and 2010.

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. The policy of the Democratic Party, according to its leadership, was to implement the policy of the President. In 1999 the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Parliament (Mejlis) routinely supported presidential decrees and had no real independence. In the 1994 Parliamentary elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. In 1998 President Niyazov promised that the parliamentary elections scheduled for December 1999 for a reconstituted Parliament would be free and fair and conducted on a wide democratic basis; however, the elections were flawed seriously. Although there were at least two candidates for each Mejlis seat, the Government selected every candidate, and there was no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the 1999 elections. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting. Diplomatic observers noted low turnout for by-elections held in October.

In 1998 President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues; however, in practice even local leaders were selected and dismissed by the President and were reluctant to make decisions without his approval. During the year, the President replaced Hakims (governors) in four of the five velayats (provinces); in Balkan Velayat the Hakim was replaced twice.

There were 14 women in the 50-member Mejlis. Women served in the following positions: Deputy Chairman for Economy and Finance; Deputy Chairman of Textiles and Trade; Prosecutor General; Ambassador to the U.N.; and Deputy Minister for Social Protection. One woman served as a provincial governor (Hakim); however, the position of deputy Hakim often was given to a woman.

Preference was given to ethnic Turkmen in appointed positions in the Government, and there were 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Tartar in the Mejlis. The largest tribe—the Teke—held the most prominent roles in cultural and political life. Observers believed that the Government's preference for ethnic Turkmen officials reflects a desire to overcome the disproportionate influence of ethnic Russians during the Soviet period.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights monitoring groups, and government restrictions on freedom of speech, press, and association made it extremely difficult to investigate and criticize publicly the Government's human rights policies. Government officials were not cooperative and responsive to their views. Several independent journalists based in Russia reported on human rights in the Russian press and had contact with international human rights organizations. On numerous occasions in

the past, the Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

There were no international human rights NGOs operating in the country.

The OSCE and other foreign diplomats were permitted to attend one court trial during the year (*see* Section I.e.).

In 1999 President Niyazov established a human rights commission, which he nominally heads. The commission oversaw the work of law enforcement agencies, the military, and the judiciary, but it appeared to have little real authority. The commission continued to receive complaints during the year. The commission is subordinate to the National Institute for Democracy and Human Rights (IDHR) under the President, which has been in operation since 1997. The Institute's mandate is to support the democratization of the Government and society and to monitor the protection of human rights. The Institute maintained four full-time staff members to receive and resolve citizen complaints of arbitrary action. In principle, the Institute reviews complaints and returns its findings to the individual and the organizations involved; however, the Institute was not an independent body, and its ability to obtain redress was limited. Individuals seeking to register complaints were sometimes physically denied access to the IDHR. In October the Government published a book by the Institute containing a collection of Niyazov's speeches praising the country's human rights record.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights and freedoms for all, independent of nationality, origin, and language, and further specifies equal rights before the law for both men and women. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limited the employment and educational opportunities of ethnic minorities.

Women.—Anecdotal reports indicated that domestic violence against women was common, but no statistics were available. The subject was not usually discussed in society, and the majority of victims of domestic violence kept silent, partly because they were unaware of their rights or because they were afraid of increased violence from their husbands and relatives. There were few court cases and occasional references to domestic violence in the media. One official women's group supported battered women in Ashgabat. Several groups informally supported victims of domestic violence in other regions. The law states that rape is illegal, and these laws were enforced effectively.

Prostitution is illegal, and it was a growing problem due to few educational and occupational opportunities for young women.

There is no law that specifically prohibits sexual harassment; however, a case could be tried under existing legislation. There were anecdotal reports that sexual harassment existed in the workforce; however, the Government did not discuss this topic publicly.

Women were underrepresented in the upper levels of state-owned economic enterprises and were concentrated in the health care and education professions and in service industries. Women were restricted from working in some dangerous and environmentally unsafe jobs. Despite such restrictions, women were well represented in a variety of sectors. Additionally, the military academy is scheduled to graduate its first battalion of female cadets in 2003. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role was as homemaker and mother, and family pressures often limited opportunities for women seeking to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favored men over women.

There were only two officially registered women's groups, one of which was headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. Some NGOs also worked informally on women's issues. The Government did not acknowledge that women suffered discrimination and therefore had no specific program for rectifying women's disadvantaged position in society.

Children.—The Government's social umbrella covered the welfare needs of children; however, the Government did not take effective steps to address the environmental and health problems that have led to a high rate of infant and maternal mortality. In 1999 the Government cut the number of years of basic education from 10 to 9. There was little difference in the education provided to girls and boys.

Education was free and compulsory; however, class sizes in the country continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. Approximately 95 percent of children between the ages of 7 and 16 attended school on a regular basis; approximately 1.3 percent of school-age children

did not attend school. It was estimated that 49.1 percent of the student population were girls.

During the year, the number of teachers in the country was reduced in accordance with a presidential decree in 2000. Educators were concerned that this exacerbated the problems of already crowded classrooms and overworked teachers and further reduced the quality of education in the country. The ostensible reason for the reduction was to increase salaries for the remaining teachers; however, past similar promises have been unfulfilled, and teachers routinely were paid 2 to 3 months late. Wages for teachers and administrators were in arrears in many districts; this, coupled with the fact that salaries were low, has caused some teachers to leave the field and seek jobs in the private sector, increasing the ratio of pupils to teachers.

There was no societal pattern of abuse against children. During the annual cotton harvest, which typically lasts from mid-September to mid-November, many schools in agricultural areas were closed and students worked in the fields.

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, and the provisions of state services. The Government did little for persons with disabilities. Although some societal discrimination existed, many citizens engaged in activities to assist persons with disabilities. Government subsidies and pensions were provided for persons with disabilities, although the pensions were inadequate to maintain a decent standard of living. Pensions usually ranged between \$10 to \$30 per month (52,000 to 156,000 manats at the official rate; 215,000 to 645,000 manat at the unofficial rate). Care for persons with disabilities was provided at the local level. Children with disabilities, including those with mental disabilities were placed in boarding schools, in principle with educational and future employment opportunities provided if their condition allows for them to work; in practice neither was provided.

According to existing legislation, facilities to allow access by the persons with disabilities must be included in new construction projects; however, compliance with the legislation was inconsistent, and most older buildings were not so equipped.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights and freedoms for all citizens. Approximately 77 percent of the population was Turkmen; Uzbeks made up 9 percent; and Russians 7 percent. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. The country has not experienced ethnic turmoil since independence. However, Uzbeks reported increased discrimination, including a recent directive that only ethnic Turkmen can enter officer training at the military academy. There were reports that ethnic Uzbeks experienced discrimination in job opportunities. In November President Niyazov issued a decree for resettlement of residents of Dashoguz, Lebap and Ahal Velayats to an area in the northwest of the country (see Section 1.d.). Reports suggested that the resettlement plan would principally affect ethnic Uzbeks living in those velayats.

As part of its nation-building efforts, the Government attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it was a mandatory subject in school, although it was not necessarily the language of instruction. The Government closed a number of Russian-language schools as part of the Government's policy of encouraging use of the Turkmen language.

The Constitution also provides for the rights of speakers of other languages to use such languages. While Russian remained common in commerce and everyday life, during the year, the Government intensified its campaign to conduct official business solely in Turkmen. In the past, the President publicly criticized some high-ranking government officials for their failure to speak Turkmen. Russian-language newspapers were not widely available (see Section 2.a.). There was only one official Turkmen newspaper published in the Russian language. Ethnic minority employees at government ministries reportedly were given until December 1999 to learn Turkmen, and some government employees, such as doctors and teachers, were dismissed from their positions because they failed to learn the language.

Members of ethnic minorities feared that the designation of Turkmen as the official language placed their children at a disadvantage educationally and economically. Non-Turkmen complained that some avenues for promotion and job advancement were no longer open to them. Only a handful of non-Turkmen occupied high-level jobs in the ministries, and there were reports that managerial positions were closed to non-Turkmen. Non-Turkmen were often the first targeted for dismissal when layoffs occur. As a result of these restrictions, more and more ethnic Russians viewed their situation in the country as deteriorating and sought citizenship in Russia.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law do not provide for the right of association; however, the law does not prohibit this right.

The Constitution and the law do not provide for the right to form or join a union. While no law specifically prohibits the establishment of independent unions, there were no such unions, and no attempts were made to register an independent trade union during the year. The Government controlled all trade unions. The Colleagues Union claimed a membership of 1.3 million; its member unions were divided along both sectoral and regional lines. There was also a registered Union of Entrepreneurs, which engaged in some philanthropic activities. Unions may not form or join other federations.

The law does not prohibit antiunion discrimination by employers against union members and organizers, and there were no mechanisms for resolving such complaints.

There was no information available on union affiliation with international unions.

b. The Right to Organize and Bargain Collectively.—The Constitution and the law do not provide for the right to organize; however, the law does not prohibit this right.

The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close associations of both trade unions and state-owned enterprises with the Government seriously limited workers' ability to bargain. The Ministry of Economics and Finance prepared general guidelines for wages and set wages in health care, culture, and some other areas. In other sectors, it allowed for some leeway at the enterprise level, taking into account local factors. The Government determined specific wage and benefit packages for each factory or enterprise. Workers, including teachers, often went months without pay or received their paychecks late (*see* Section 5).

The law neither prohibits nor permits strikes, and it does not address the issue of retaliation against strikers. Strikes were extremely rare, and no strikes were known to have occurred during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor; however, there were reports in 2000 of prisoners being forced to work in a kaolin mine in Kizlkaya prison, near Dashoguz, under hazardous and unhealthy conditions (*see* Sections 1.c. and 2.b.). The law provides for labor as a component of prison sentences; the prison system includes educational-labor colonies and correctional-labor colonies.

The Government prohibits forced and bonded labor by children. Some children worked in cotton harvesting in rural areas (*see* Sections 5 and 6.d.).

The Government encouraged persons to work voluntarily, particularly on weekends, in manual labor positions on civic projects.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children was 16 years; in a few heavy industries, it was 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday was 8 hours). A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely was granted.

Violations of child labor laws occurred in rural areas, particularly during the cotton harvesting season, when teenagers work in the fields (*see* Section 5). Children as young as 10 years of age were allowed to help with the harvest for up to 2 months. The Government strongly encouraged children to help in the cotton harvest, families of children who did not help could experience harassment by the Government. The Government has not signed ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, there were some reports that such practices occurred (*see* Section 6.c.).

e. Acceptable Conditions of Work.—There was no minimum wage. In 1999 the Government raised the average monthly wage in the state sector to approximately \$90 (468,000 manats at the official rate; 1.9 million manat at the unofficial rate) per month at the official rate. At the Halk Maslahaty (Council of Elders) meeting in August, the President announced that wages would be doubled. The new wage rates scheduled to take effect in February 2003 increased the average state sector salary in Ashgabat to \$173 (900,000 manat at the official rate; 3.7 million manat at the unofficial rate), and in other regions to \$115 (598,000 manat at the official rate; 2.5 million manat at the unofficial rate). While the Government subsidized the prices of many necessities and provided others free of charge, this wage did not pro-

vide a decent standard of living for a worker and family. Most households were multigenerational, with several members receiving salaries, stipends, or pensions; however, many persons lacked the resources to maintain an adequate diet.

The standard legal workweek was 40 hours with 2 days off. Individuals who worked fewer hours during the week or were in certain high-level positions also could work on Saturdays.

During the Soviet era, production took precedence over the health and safety of workers; legacies of this system remained. Industrial workers often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. The Government recognized that these problems existed and took some steps to address them, but it did not set comprehensive standards for occupational health and safety. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

The Penal Code prohibits prostitution, which is punishable by 2 years' imprisonment or hard labor. The penalty for involvement of a minor in prostitution or using force, threat, or blackmail to involve someone in prostitution is 3 to 8 years' imprisonment. The penalty for procuring persons for prostitution is 3 to 8 years' imprisonment with the possibility of confiscation of property.

There were unconfirmed and anecdotal reports of women from the country traveling to Turkey and the United Arab Emirates and working as prostitutes.

The Government did not have programs in place to combat trafficking in persons, but cooperated with the IOM in educational efforts on this topic.

UKRAINE

Ukraine is a mixed parliamentary and presidential republic governed by a directly elected President, a Prime Minister who heads a Cabinet of Ministers, and a unicameral Parliament (Rada). The Prime Minister is nominated by the President and approved by the Rada. The cabinet is nominated by the Prime Minister and approved by the President but generally is under the President's direction. The Rada is elected partially according to proportional representation and partially by direct constituency mandate. Parliamentary elections, which took place in March, were an improvement over the 1998 parliamentary polls in some respects, but important flaws persisted. Incumbent President Leonid Kuchma was reelected in 1999 in an election described by the Organization for Security and Cooperation in Europe (OSCE) as having failed to meet a significant number of the OSCE election-related commitments. The Constitution provides for an independent judiciary; however, the courts were subject to political interference and corruption and are inefficient.

There are two principal security agencies, which have equal responsibility for internal security: The Security Service of Ukraine (SBU), which is responsible for intelligence gathering, and the Ministry of Internal Affairs, which controls the various police forces. The Minister of Internal Affairs is a member of the Cabinet of Ministers, while the SBU enjoys special status within the executive branch and reports directly to the President. The State Tax Administration also has law enforcement powers, which it exercises through the tax police. The Office of the Prosecutor General prosecutes criminal cases and is responsible for enforcement of court decisions in criminal cases. The armed forces largely remained outside of politics. However, government agencies interfered indirectly in the political process through criminal and tax investigations of politicians, journalists, and influential businessmen. Civilian authorities generally maintained effective control of the security forces. Members of the security forces committed human rights abuses; however, the extent to which the authorities were complicit or acquiescent in these abuses was uncertain.

The economy is mixed, with the private sector accounting for 65 to 70 percent of gross domestic product (GDP). The country has a total population of 48,457,000. While the official GDP was only approximately 48 percent of its pre-independence (1990) level, the economy grew by 5.8 percent in 2000, 9 percent in 2001, and 4.1 percent during the year. The economy was burdened by wage nonpayment and arrears, and the shadow economy (defined as activity deliberately unreported for purposes of tax evasion) accounted for a significant proportion of real income. Wage arrears decreased by approximately 20 percent in 2001. Investment remained at low levels, with many potential investors discouraged by rampant corruption, onerous taxation, arbitrary licensing practices, and an inefficient judicial system that yielded

to political pressure. Wealth was concentrated in the political elite and among directors of the state-dominated sectors such as metals, oil, and gas.

The Government's human rights record remained poor and in some cases worsened; however, there were also some improvements in some areas. Police and prison officials tortured and beat detainees and prisoners, with unconfirmed reports that they killed one detainee. The beating of conscripts in the army by fellow soldiers was common and at times resulted in death. Police abuse and harassment of racial minorities was a continuing problem. The Government rarely punished officials who committed abuses. Prison conditions remained harsh and life-threatening, particularly because of exposure to disease. Arbitrary arrest and detention were problems, as was lengthy pretrial detention in very poor conditions; however, the courts continued to release defendants from confinement pending trial. Political interference and corruption affected the judicial process. The judiciary also was overburdened, inefficient, and lacked sufficient funding and staff. Long delays in trials were a problem. In July 2001, a series of amendments to the laws that regulate the system of courts and the administration of justice were implemented and included the transfer of the right to issue arrest warrants, residential search warrants, and wiretap orders from prosecutors to the courts. At year's end, it was still too early to evaluate the overall effects of these changes.

Authorities interfered with the news media by intimidating journalists, issuing written and oral instructions about events to cover and not to cover, and pressuring them into applying self-censorship. Nevertheless a wide range of opinion was available in newspapers, periodicals, and Internet news sources. There were some limits on freedom of assembly, and the authorities impeded people from participating in some demonstrations. Freedom of association was restricted. The Government generally respected, and made efforts to address some concerns of religious communities; however, there were some problems. Local officials continued to present bureaucratic difficulties to minority and nontraditional religions on matters of land and building acquisition permits for religious activities and on the issue of property restitution. The Government continued to return properties and establishments to religious groups although the pace was slow, in part because of lack of funding. There were some limits on freedom of movement. Violence and discrimination against women, including sexual harassment in the workplace, were problems. Violence against children was a problem. There were reported instances of anti-Semitic acts, including cemetery desecration. Ethnic minorities and Muslims complained of frequent identity checks. The Government discouraged some workers from organizing unions. Trafficking in women and girls for sexual exploitation was a serious problem that the Government, through the Ombudsman's office and many government agencies, took steps to combat. Ukraine was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, unidentified assailants killed one politician on the eve of parliamentary elections (*see* Section 3). Abuse of prisoners and detainees and harsh prison conditions at times led to death (*see* Section 1.c.). There was an unconfirmed report that an individual who was taken into custody at the Shevchenkivskyi precinct in Zaporizhzhya on December 16 was beaten to death. According to the Ombudsman's office, during 2001 there were 1,381 deaths in prison and detention facilities, many due to harsh conditions.

Human rights groups stated that soldiers continued to be killed during violent hazing events, although no official data was available for the year (*see* Section 1.c.). According to a government official, in 1998 (the latest year for which information was available) 10 to 12 military personnel were beaten to death, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing. At times the authorities reportedly labeled these deaths as suicides.

During the year, local authorities in the Cherkasy region closed their investigation into the alleged 2001 police torture of Yevhen Kornuta without any results.

The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures, often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists were the victims of attacks that were sometimes fatal and possibly politically motivated. No official statistics for contract killings during the year were available. On August 23, in the only known case of conviction for a contract murder, a court sentenced two top officials of the alcohol company Soyuz

Viktan to 15-year jail sentences for ordering the murder of two individuals who tried to extort money from them. The contracted murderer received a 14-year prison term.

According to the nongovernmental organization (NGO) Reporters Without Borders, four journalists died during the year in ways that may have been connected with their professional duties. A journalist, Mykhailo Kolomiyets, who disappeared from Kiev on October 28, was found hanged in neighboring Belarus on November 20. The Kiev prosecutor's office invited a team of foreign investigators to help determine whether Kolomiyets committed suicide (see section 2.a.).

On March 29, 2 days before parliamentary elections, unknown gunmen shot dead the Ivano-Frankivsk Oblast Deputy Governor, Mykola Shkribliak in the stairwell of his house. Shkribliak was running for a constituency Rada seat (see Section 3).

The killing of prominent journalist Heorhiy Gongadze remained unsolved, although an investigation officially continued. Gongadze disappeared in September 2000; in November 2000, police found a decapitated body outside of Kiev, which DNA and other examinations confirmed to be his. The Government asserted that it was conducting a full-scale investigation into his disappearance, but members of the media and the public seriously criticized the Government's handling of the case, while others accused the President and other senior officials of complicity. In April the authorities refused to share the Gongadze case file with foreign investigators whom they had invited to assist with the investigation. In September the Prosecutor General's office announced that the murder was politically motivated; however, it made no arrests nor did it give any specific details to substantiate such claims. The investigation of the killing officially still was ongoing at year's end. In May 2001, the Ministry of Internal Affairs claimed that two thieves had murdered Gongadze and had had been killed subsequently, but the Prosecutor General's Office did not uphold this charge. An audio recording exists alleged to contain conversations between President Kuchma and other senior government officials discussing the desirability of Gongadze's removal. One other recording allegedly from the same source has been judged to be authentic.

The July 2001 beating and subsequent death of Ihor Aleksandrov, a director of a Donetsk regional television station, remained unsolved. Aleksandrov had aired a number of critical reports about Donetsk-based politicians and was a noted critic of alleged corruption among local law enforcement authorities. According to the police, Yuri Verediuk, a homeless man, confessed that he had been hired to kill the head of the television station's legal department and had mistaken Aleksandrov for this person. In May the Donetsk Oblast Appeals Court acquitted Verediuk, who earlier had been found guilty. On July 19, Verediuk died, reportedly of heart deficiency. The judge of the Donetsk Appeals Court had warned earlier, however, that Verediuk's life could be at risk. On July 25, upon the Procuracy's appeal, the Supreme Court rescinded Verediuk's acquittal and sent the case back to the Procuracy for a new investigation, a decision that the Appeals Court judge strongly criticized. Police refused to open criminal proceedings in connection with Verediuk's death, however, asserting that he had died of natural causes.

The European Roma Rights Center (ERRC) based in Hungary pressed Ukrainian authorities to investigate the October 28, 2001, deaths of five members of a Roma family in Malaya Kakhovka, Poltava region. According to the ERRC, police Major Ivanov of the Kryukov Area Police Department and two unknown accomplices torched the home of Jurij Fedorchenko with seven family members inside. The five who died ranged in age from 3 to 25. Two members of the family survived. One of the survivors, 50 year old Jurij Fedorchenko, claimed that Major Ivanov burned the house because the family refused to pay the police officer an approximate \$40 (215 hryvnia) monthly bribe to ensure Ivanov's protection for drug dealing, in which Jurij Fedorchenko's daughter had engaged previously. Police reportedly took two individuals into custody and suspended Major Ivanov from his duties, although no legal action was taken against him.

b. Disappearance.—In April Oleksandr Olynyk, an election monitor from the Ukrainian NGO, Committee of Voters of Ukraine (CVU), disappeared from Kirovohrad approximately 1 week after the March 30 elections. Initial reports did not indicate that his disappearance was related to his monitoring activities; however, subsequent inquiries suggested that he may have received threats while observing the elections. Local authorities filed a missing persons report and launched a criminal investigation into the case. No progress had been reported by year's end. Andriy Tatarchuk, Vice Chairman of the Reforms and Order Party of Odesa (Our Ukraine Bloc) and former city council candidate, disappeared November 27 while returning home from work. Police in Odesa have launched an investigation and reportedly detained two individuals in mid-December in connection with the case. No conclusions as to the cause of his disappearance had been reached by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police and prison officials regularly beat detainees and prisoners, and there were numerous reports of torture. Although human rights groups did not receive specific reports that special militia detachments known as Berkut (“Golden Eagles”) tortured and beat inmates as part of regular training exercises, they believe the practice continued. The media and human rights groups reported that police subjected detainees to various methods of physical torture, including the “swallow,” in which officials place the detainee on his stomach and tie his feet to his hands behind him, forcing his back to arch. Another abuse was the “baby elephant,” in which officials place a gas mask on the prisoner’s head and slowly reduce the flow of oxygen. Detainees also were subjected to a method called the “monument,” in which a prisoner is suspended by his hands on a rope and beaten. Human rights lawyers reported that requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney.

On December 16 police in Zaporizhzhya detained a drug addict suspected of burglary. He died in custody from injuries sustained from an alleged beating. Police claimed that the detainee had been beaten before entering police custody. In 2001 Volodomyr Ivanchenko, who was charged with plotting the killing of former presidential candidate Nataliya Vitrenko, claimed in his trial that police suffocated, beat, and used electroshock on him and his codefendants while they were in pretrial detention. Authorities took no action on his complaints.

There was no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions, although detainees were permitted to address complaints directly to the court instead of the Ministry of Internal Affairs. Prisoners and detainees also addressed complaints to the Ombudsman for Human Rights, and that office received several hundred reports of torture in pretrial detention during the year. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights violations by law enforcement personnel. The Ombudsman also maintained that detainees who were unable to pay a deposit for meals went hungry and that this qualifies as another form of torture. The Ombudsman actively publicized reports of such practices; however, the Ombudsman had no enforcement authority.

Authorities made little documented effort to end abuse; disciplinary action against law enforcement authorities that committed abuses was limited. According to the authorities, 62 police officers were charged with mistreatment of suspects in the period January through August. According to the Ombudsman’s office, in 2001 authorities opened 25 criminal cases against 48 law enforcement officers for exceeding their authority. Of these, 14 had been convicted as of year’s end. On August 30, the Prosecutor General dismissed the prosecutor and an investigator in the Tarascha District of Kiev Oblast. The two faced criminal proceedings for abuse of office and fraud during the Gongadze investigation (*see* Section 1.d.). They allegedly forged protocols from the inspection of the place where Gongadze’s body was found. Many observers considered the charges to be only political scapegoating in an already highly politicized case. In its 2000 report, the Ombudsman noted that in 1998 and 1999, 285 members of the police were charged with torture and mistreatment of prisoners. The new Criminal Code, which came into effect in September 2001, mandates 3 to 10 years of imprisonment for torture; however, human rights groups reported that during the year there were no prosecutions for torture under the new Criminal Code.

Police also abused Roma and harassed and abused dark-skinned persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them (*see* Section 5). Police also harassed refugees (*see* Section 2.d.).

In September the police forcibly dispersed antipresidential demonstrators who had set up a tent city illegally in downtown Kiev. Police also took down tents in Kharkiv. Local authorities undertook a variety of measures, including impoundment of vehicles and arbitrary detentions, to dissuade people from attending such demonstrations. On December 26, the courts sentenced 13 members of the opposition nationalist party, the National Ukrainian Assembly-Ukrainian People’s Self-Defense (UNA/UNSO) to 2 to 5 years’ imprisonment on charges of staging mass unrest during March 9, 2001 demonstrations in Kiev (*see* Section 2.b.). Police also harassed journalists (*see* Section 2.a.).

Despite extensive legislation on the protection of service member rights and official regulations concerning relations among military personnel, reports continued during the year of harsh conditions and violence against conscripts in the armed forces. In August a quarry landslide claimed the lives of two conscript soldiers who were digging sand for the construction of a private garage for a junior military offi-

cer in Lviv Oblast. The officer was placed in custody pending investigation. Senior conscripts often beat recruits, sometimes to death (*see* Section 1.a.) and forced them to give them money and gifts that they received from home. According to human rights associations, garrison prosecutors often did not investigate complaints of physical harassment. Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Although official statistics on the incidence of hazing during the year were unavailable, human rights groups, including the Association of Soldiers' Mothers, reported that violent hazing continued to be widespread. They reported that the Procuracy opened 129 criminal cases pertaining to violent hazing. However, it was unknown how many of those resulted in convictions. Death by hazing was frequently described as suicide.

Police corruption remained a serious problem. There were reports that local officials abetted or aided organized crime groups involved in trafficking (*see* Section 6.f.).

Prison conditions remained harsh and life threatening. According to official sources, information on the physical state of prison walls and fences, as well as pretrial detention blocks, was considered to be a government secret. Nevertheless the press reported freely about harsh prison conditions. According to complaints received from the Office of the Ombudsman and human rights NGOs, prison officials intimidated and mistreated inmates. Due in part to severe economic conditions, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. According to official statistics of the Penal Department, in the first 6 months of 2001, there were 865 deaths in the prisons. Poor sanitary conditions resulted in 300 deaths from diseases such as tuberculosis and 13 from dysentery during the first half of 2001. There were frequent incidents of killings by fellow inmates, and in the first half of 2001, 13 individuals were reported officially to have committed suicide, although human rights groups believed the actual figure to be higher.

Prisoners were permitted to file complaints to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for doing so. In January 2001, the Rada passed amendments to the Penal Code that relaxed Soviet-era restrictions in high-security prisons and removed a requirement that all prisoners' letters should be read.

Conditions in pretrial detention facilities also were harsh. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding was common in these centers. Although there were no official figures, local lawyers believed that the pretrial detention center in Kiev housed as many as 6,000 persons, although its capacity was estimated to be 3,500. The SBU still maintained its own pretrial centers at year's end, although it had announced in 2001 that it would close them. According to Human Rights Ombudsman Nina Karpachova, approximately one-third of detainees were tortured.

Conditions in the Corrective Labor and Treatment Centers for Alcoholics (LTPs), operated by the State Penal Department, where violent alcoholics were confined forcibly by court decision, differed little from those in prisons. Although some centers were transferred to the Health Ministry in 2000, and the number of centers decreased, the Government did not meet its earlier commitment to transfer all of the LTPs to the ministry. Virtually no treatment for alcoholism was available in these centers. Despite a 1999 government decree directing the closure of LTPs by the end of 2000, they continued to operate during the year.

According to human rights groups, a reorganization of the penal department to ensure greater independence of the penal system did not affect the Department's practices, and there was little civilian oversight of its activities. Although the Government implemented some programs for the retraining of prison and police officials, it punished only a small minority of those who committed or condoned violence against detainees and prisoners. The Ombudsman drew attention to the state of the penitentiary system by visiting prisons and raising prison-related issues in public. During a February visit to the Lukianivka detention center in Kiev, the Ombudsman noted some improvements with regard to prison conditions. Candidates and observers of the March elections also were allowed access to some, but not all, prisons to campaign and monitor respectively.

The Government continued to allow prison visits from human rights observers; however, some of them reported that at times it was difficult to obtain access to prisons to visit specific prisoners and they were not allowed full access to the insides of prison facilities. On January 10, following persistent requests by the public and Reporters Without Borders, the Zaliznychny Local Court in Simferopol suspended the remaining 1½ years of the jail term of Serhiy Potomanov, a journalist impris-

oned in Simferopol in 2001. Potomanov had complained of severe beatings by other inmates.

During the year, the Ombudsman continued to make the treatment of prisoners a priority and to investigate conditions in a number of prisons. In September 2001, the Rada ratified the first and second protocols of the European Convention on Prevention of Torture, which mandates the inspection of prisons by international observers. The Government agreed to permit the Council of Europe Anti-Torture Committee to publish three reports on Ukraine. The reports, from 1998–2000, cited numerous allegations of torture as a means of extracting confessions, a general fear among detainees to discuss abuses, and poor conditions in a number of prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems. The Constitution provides for compensation for unlawful conviction and the law allows compensation for illegal arrests; however, these provisions rarely were invoked.

The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration also may petition the court for an additional 15-day detention. The law further provides that pretrial detentions may not last more than 2 months. In cases involving exceptionally grave offenses, the Prosecutor General may petition a judge of the Supreme Court to extend the period of detention to 18 months. The law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires that officials notify family members immediately concerning an arrest, but they did not often do so in practice.

By law a trial must begin no later than 3 weeks after criminal charges have been filed formally with the court, but this requirement rarely was met by the overburdened court system (*see* Section 1.e.). Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases may take years to go to trial. Although an amendment to the Criminal Procedures Code provides for the imposition of monetary bail, it has been used rarely; many of the defendants cannot pay the monetary bail amounts imposed by law. Instead courts imposed restrictions on travel outside a given area as an alternative measure to pretrial confinement. Approximately 70 percent of defendants awaiting trial—approximately 150,000 individuals—were released from pretrial confinement during the year, many of them under restrictive travel conditions.

According to the State Executive Service, the prison population was nearly 220,000 persons, including 156,000 in prisons and 40,000 in remand centers. Many of the individuals in pretrial confinement were charged with serious violent crimes. Since only the courts may authorize the continuation of pretrial detention pursuant to 2001 amendments, they closely examined cases in which authorities confined the defendants for extended periods in pretrial detention based on previous authorization by prosecutors.

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often refused to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that prison or investigative officials occasionally denied the client-attorney privilege. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many persons remained unaware of these safeguards.

As a result of legal changes enacted in 2001, the prosecutor's office may no longer initiate new criminal investigations without prior court approval, with the exception of a number of serious offenses (*see* Section 1.e.).

The Government occasionally employed such charges as criminal libel or tax evasion to detain persons (usually opposition activists or journalists) who were openly critical of the Government or challenged the interests of powerful business or political figures close to the Government (*see* Section 2.a.). During the year, the Prosecutor General continued to pursue criminal charges against Yuliya Tymoshenko, head of the opposition political grouping named after her. Tymoshenko's earlier ef-

forts to reform the energy sector, when she was Deputy Prime Minister for Energy, had drawn strong opposition, most notably from powerful businesspersons closely tied to the Government. After joining the opposition, Tymoshenko became an outspoken critic of the Government. She claimed that the charges against her were politically motivated. In May a Kiev court closed some of the Procuracy's criminal cases against Tymoshenko and her husband. In September the Prosecutor General requested that the Rada lift her parliamentary immunity, which would permit the filing of further criminal charges against her. The Rada speaker returned the petition requesting that the Prosecutor General more thoroughly justify his request. At the request of the Government, Turkish authorities detained Yuliya Tymoshenko's father-in-law, Gennadiy, and three of his business partners in June. In October Turkish authorities extradited them to Ukraine. On September 14, the Luhansk Appeals Court upheld the April conviction of Borys Feldman, former vice president of Bank Slovyanskyy, which managed some of Yuliya Tymoshenko's business interests. Feldman received a 9-year prison sentence for tax evasion and financial mismanagement. The Appeals Court had refused to honor the Supreme Court's decision to release Feldman, who said that he was prevented from practicing the Jewish faith while in detention pending appeal of his case. Feldman's attorney, Andriy Fedur, complained of harassment by the Tax Police and claimed that he received unidentified death threats during the year. In September Tax Police impounded Fedur's car, which allegedly contained defense materials for the Feldman case. In October police detained Fedur for 3 days on accusations that he falsified documents. He was released without being charged.

On September 17, Kiev police arrested 64 antipresidential protesters and charged them with various administrative infractions related to blocking public thoroughfares. All were released within 10 days.

Human rights groups reported that they continued to receive complaints from Roma regarding arbitrary detention and physical harassment by the police.

Police arbitrarily detained persons for extensive document checks and vehicle inspections (*see* Section 1.f.). They routinely detained dark-skinned persons for arbitrary document checks (*see* Section 5). There were reports that local authorities temporarily detained individuals they considered likely to attend nationwide antipresidential demonstrations in September. Prior to the demonstrations, there were also credible reports that police impounded vehicles belonging to opposition activists and NGO leaders technical checkups. Police reportedly returned the vehicles after the conclusion of the demonstrations. On June 29, police in Poltava detained the leader of the opposition party UNA-UNSO, Serhiy Kuzovka, for 2 days on charges of hooliganism, allegedly to prevent him from attending a UNA-UNSO congress in Kiev on July 30. After 2 days in police custody, a court in Poltava acquitted him.

At times persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of a Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to considerable political interference from the executive branch and also suffered from corruption and inefficiency. The courts were funded through the Ministry of Justice, which controlled the organizational support of the courts, including staffing matters, training for judges, logistics and procurement, and statistical and information support. The Presidential Administration also reportedly continued the practice of telephoning justices directly to influence their decisions.

Legislation enacted in 2001 and during the year to regulate the court system and the administration of justice brought the legal framework more in line with constitutional requirements for an independent judiciary; however, the judiciary lacked sufficient staff and funds, which engendered inefficiency and corruption and increased its dependence on the executive, since the court received all its funding from the Ministry of Justice. The court reorganization necessitated by the July amendment package required more funds than were allotted in the budget and observers believed that significant additional funding would be needed to modernize the court system in general and to provide the courts with adequate facilities and equipment.

The authority and independence of the judicial system also were undermined by a lack of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely were used. Compliance was particularly poor if the decision clashed with government interests. The Chairman of the Supreme Court, the chairmen of regional courts, and the chairman of the Kiev municipal court (or the deputies of these officials) have the authority to suspend court decisions, which led to interference, manipulation, and corruption.

The Justice Minister was quoted as saying that by year's end, slightly under 50 percent of court decisions had been enforced.

In 1999 the State Executive Service was established as a special department in the Ministry of Justice to execute court decisions. The State Executive Service was authorized specifically to enforce judgements in civil cases; decisions in criminal and administrative courts involving monetary compensation; and judgements of foreign courts, the Constitutional Court, and other authorities. The number of court decisions involving monetary or material compensation referred to the department has grown substantially. In the first half of 2001, over 1 million court decisions were executed, representing approximately 48 percent of the judgements referred to the State Executive Service.

Critics of the Government claimed credibly that the Government abused its authority over officers of the court by selectively charging and dismissing politically unsympathetic judges. In July Lubov Budiakova, judge of Babushkinsky District Court in Dnipropetrovsk Oblast, complained in the press about harassment by the head of the court after she ruled that the eviction of the Socialist Party from its office in Dnipropetrovsk had been unlawful. Independent-minded judges also complained that they did not receive politically sensitive cases. In July 2001, President Kuchma dismissed Mykola Zamkovenko, Chairman of a Kiev district court, for intentionally withholding case files in order to delay citizens' appeals to the court. Zamkovenko's supporters charged that authorities targeted him because of his release of former Deputy Prime Minister Yuliya Tymoshenko from pretrial custody and his recognition of Heorhiy Gongadze's mother and wife as victims of a crime (*see* Section 1.a.). In June the Supreme Court ruled that President Kuchma's dismissal of Zamkovenko was lawful.

Amendments to a series of laws concerning the judiciary and the administration of justice enacted in 2001 and additional legislation passed in July introduced important reforms to the court system. The amendments provided for a unified system of courts consisting of a Constitutional Court, a system of courts of general jurisdiction that includes the Supreme Court and specialized commercial (formerly arbitration) courts, and military courts. General jurisdiction courts are organized on four levels: Local courts, regional appellate courts, specialized high courts (the High Commercial Court), and the Supreme Court. The arbitration courts were redesignated as commercial courts and were intended to operate as specialized courts within the single unified system of courts. As a result, the Supreme Court may review their judgements, including those rendered by the High Commercial Court. Military courts are specialized courts that hear cases only involving military personnel.

On February 7, the Parliament passed a Law on the Judicial System of Ukraine, which the Government began implementing in the last half of the year. While the law helped modernize the judicial system, some observers contended that it granted excessive authority to the President. The law created a new State Judicial Administration (SJA), independent of the Ministry of Justice, to act as a central executive body overseeing the administration, including the finances, of the judicial system. Under the new law, the President also has the authority, with the agreement of the Ministry of Justice and the Chair of the Supreme Court or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction. The President is empowered to determine the number of judges within the courts (upon recommendation of the SJA and with the agreement of the Chair of the Supreme Court); appoint and remove chairs and deputy chairs of courts for 5-year terms (upon submission of the Chair of the Supreme Court, based on recommendation of the Judicial Council); and establish appellate commercial and appellate administrative courts. The President, upon the recommendation of the Prime Minister and concurrence by the Judicial Council, appoints the head of the SJA. The law also established a Judicial Academy to train new judges and continue the education of sitting judges.

The new Court of Cassation was put in place December 1, although it was not fully functional by year's end. The SJA and Judicial Academy were scheduled to begin operations on January 1, 2003.

Regional courts, including the Supreme Court of Crimea and the Kiev and Sevastopol City courts, serve as appellate courts for the lower-level courts. They may examine evidence independently in a case, call for additional witnesses or evidence, and render a decision that supercedes the judgement of a lower court.

The Constitutional Court consists of 18 members appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, Presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean leg-

islature may request that the Constitutional Court hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, who started to exercise this right in selected cases. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision was violated or that it was interpreted differently by different government bodies.

Many local observers regarded the Constitutional Court as the country's most independent judicial body. Human rights groups stated that the Constitutional Court has generally maintained a balance of fairness. However, observers charged pro-presidential bias when, in March 2000, the Court ruled that the President's proposed referendum on expanding presidential authority was constitutional, although it threw out two of the six original questions.

The Constitution includes procedural provisions to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, pending the passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remained in place, which limited these rights. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era, and nearly all completed cases resulted in convictions. According to the most recent official statistics available, in the first half of 2000 there were 113,902 convictions and 375 acquittals. However, since judges frequently sent back to the prosecutor for "additional investigation" cases that lacked sufficient evidence to support the charges (which usually led to the dropping of the case), these statistics are somewhat misleading. During the period of 1999–2000, the courts returned more than 10 percent of pending criminal cases to investigative agencies because of the lack of sufficient evidence. In addition, there were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences.

Under the existing court system cases are decided by judges who sit singly, occasionally with two public assessors (lay judges or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public, adversarial, trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some exceptions, these requirements were respected in practice. The 2001 legislative amendments provide for a jury system, including procedures for the selection of jurors, but the amendments did not address the function and jurisdiction of jurors. Observers believed that the jury system would not function until a comprehensive judicial reform is completed and additional funding is provided for the courts.

Complicated cases can take years to go to trial, and pretrial detention was a problem; however, in increasing numbers, defendants were released from confinement pending trial (*see* Section 1.d.). The condition normally imposed by the court was nonmonetary bail in the form of restrictions on travel. Many of the remaining defendants in pretrial confinement were awaiting trial for very serious criminal offenses.

Prosecutors, like the courts, are organized into offices at the rayon (district), oblast (regional), and national levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General. Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are more influential. Prosecutors as well as defense attorneys may file appeals. The Office of the Prosecutor General practiced selective prosecution and initiated investigations against the political or economic opponents of the President and his allies (*see* Section 1.d.). The Prosecutor General also ignored parliamentary and court requests for investigations into high ranking persons if the accused were presidential allies. Before the 2001 amendments took effect, the Procuracy at times used its judicial review powers to annul court decisions unfavorable to the administration's economic or political interests and ordered cases reexamined by a different court.

Legislative changes in 2001 curtailed prosecutors' authority greatly, limiting it to prosecution, representing the public interest in court, oversight of most investigations, and implementation of court decisions in criminal cases. However, prosecutors retained the right to conduct investigations in cases initiated before the amendments were implemented and in cases involving a range of serious offenses, including murder, corruption, and high economic crimes. The Procuracy no longer may initiate new criminal cases; its powers are limited to supervising the observance of laws by law enforcement agencies only. In May 2001, the Constitutional Court ruled that citizens may challenge court actions by the prosecutors and investigative agencies, as well as government actions regarding national security, foreign policy, and state secrets.

During the year, the Rada voted to dismiss 13 judges, 11 on the grounds of violating the judge's oath and 2 who were prosecuted for undisclosed offenses.

Criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives; however, the unit had not yet been formed and trial participants were vulnerable to pressure. A witness protection law was in abeyance because of lack of funding. The law provides that the names and addresses of victims and witnesses can be kept confidential if they request protection due to fear for their lives. On July 30, Judge Ihor Tkachuk of the Donetsk Oblast Commercial Court was found hanged at his dacha in Odesa Oblast. The press speculated that the judge may have been killed in connection with litigation in the Odesa Oblast Commercial Court between the Odesa Port and a private company, Sintez Oil. Tkachuk previously had participated in the Procuracy's investigation into plunder of the Black Sea Merchant Fleet. In September Judge Natalia Achynovych of the Nikopol Municipal Court was found hanged in a hotel room while on a vacation in Turkey. The press questioned whether her death could have been linked to the Nikopol Municipal Court's politically sensitive decision to invalidate parliamentary election results at eight polling stations in a hotly contested constituency in Dnipropetrovsk Oblast.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The authorities infringed on citizens' privacy rights. Legislative amendments that took effect in 2001 provided that only courts could approve warrants for searches of residential properties and wiretaps (*see* Section 1.e.); however, prosecutors retained the right to issue warrants for searches of nonresidential properties.

In accordance with the 2001 amendments, the SBU may not conduct intrusive surveillance and searches without a court-issued warrant. The Office of the Prosecutor General has the constitutional responsibility to oversee the observance of the law by law enforcement agencies, including the SBU; however, the extent to which the Prosecutor General used his authority to monitor SBU activities and to curb excesses by security officials was unknown. The Constitution provides citizens with the right to examine any dossier on them in the possession of the SBU and to sue for physical and emotional damages incurred by an investigation; however, necessary implementing legislation had not been passed and the authorities did not respect this right in practice. During the summer months, police reportedly stopped their surveillance of the leader of the Independent Miners Union, and opposition parliamentarian, Mykhailo Volynets after he threatened to bring a busload of miners to his home to detain surveillance agents. In September Socialist Party leader Oleksandr Moroz complained of surveillance and phone tapping. The head of a charitable organization that ran a foster home in Brusilov, Zhytomyr Oblast, alleged that local authorities conducted illegal searches of his home. Some NGOs reported that authorities had opened and searched some of their mail during the year. The SBU also monitored the activities of certain NGOs active in democracy development projects.

Under the law, the police have the right to stop and search a person based on a suspicion that the person has committed a criminal offense. A person suspected of committing an especially grave crime may be arrested and searched without a warrant, but the court must be informed of the arrest within 72 hours. In 2000 the Rada enacted legislation prohibiting the police from stopping vehicles and levying immediate fines; only courts subsequently had the right to impose such fines. The law had an increasing deterrent effect on the police, who legally no longer could collect spot fines after stopping vehicles for alleged traffic violations, although abuses still occurred. However, the police may detain a person arbitrarily for up to 3 hours to verify identity (*see* Sections 1.d. and 1.e.). There were reports that police sometimes abused this right.

Journalists whose reports were critical of the Government, or who covered opposition politicians and NGOs that engaged in nonpartisan political activity, reported that they frequently were followed by SBU agents and that their telephones and offices were wiretapped (*see* Section 2.a.).

In November 2001, the Constitutional Court ruled that the "propyska" mandatory registration system was unconstitutional; a new "informational" registration mechanism was envisioned but had not been implemented by year's end. Additionally, access to public services such as housing, pensions, medical care, and schooling were still based on the propyska system. In its report on the March Parliamentary elections, the OSCE noted that authorities relied on the outdated propyska system to register voters, since no other system existed.

On a few occasions, persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institu-

tions. The disputes often entailed the corruption of psychiatric experts and court officials. In February 2000, the Rada adopted a new Law on Psychiatry which bans abuse of psychiatry for political and nonmedical reasons and provides safeguards against such abuse; however, human rights observers reported that procedures regarding the application of psychological treatment have not been determined, and the Soviet system of classifying mental illness was still in use. Persons diagnosed with mental illness risked being confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. There were approximately 1.2 million registered psychiatric patients in the country. Within 3 days after forcible confinement to a hospital, a patient must be examined by three doctors. Patients (including convicted prisoners) subsequently must be examined by the senior regional psychiatric commission within 6 months. According to the Ukrainian Psychiatric Association, the Health Care Ministry did not always cooperate with human rights groups attempting to monitor abuse of psychiatry.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and a 1991 law provide for freedom of speech and of the press; however, authorities did not always respect these rights in practice. During the year, the authorities took a direct role in instructing the media on events and issues it should cover and how they should be covered. They continued to take steps to strengthen their control over the broadcasting sector.

The authorities continued to interfere with news media by intimidating journalists through the use of the libel laws, although this practice declined in comparison with the previous year. Despite this interference, a wide variety of privately owned newspapers and periodicals that espoused different political points of view were available, and there was an active debate over sensitive questions in the mass media, including coverage of such debates in Parliament.

Frequent, credible, allegations surfaced in the latter part of the year that the Presidential Administration gave media houses specific instructions on events to cover and how to cover them, as well as subjects not to cover. Representatives of the Presidential Administration denied these allegations. However, virtually all major media outlets in Kiev confirmed that prior to the September antipresidential demonstrations the media received instructions about how to cover the period leading up to the demonstrations and the demonstrations themselves. For example, media were advised to focus coverage on a report about an air show airplane crash that occurred in Lviv earlier in the year, as opposed to the September demonstrations. As a result of these pressures to direct the media in its coverage of events, several prominent journalists resigned from their positions. Approximately 450 journalists from across the political spectrum signed a public statement criticizing the authorities' actions. In September journalists began forming an independent union to resist censorship and protect journalists from job loss or other forms of harassment. In November journalists from other media houses walked out of a briefing in the Prosecutor General's office in solidarity with journalists from *Ukrainska Pravda* who were denied accreditation for the briefing. The authorities based their denial on the assertion that the online periodical was not a registered media outlet.

On December 4, the Rada held public hearings on freedom of speech and media censorship. The hearings were broadcast live on television and received widespread media coverage. Some media executives complained that the Government wiretapped their offices. President Kuchma was cited in the press as suggesting that complaints about censorship were exaggerated.

Many major newspapers were financed by wealthy businessmen with political interests that often favored the Government. This backing gave these newspapers an advantage over smaller, more independent, newspapers.

Despite government pressure and media self-censorship, the numerous newspapers and periodicals on the market, each espousing the view of its respective sponsor, provided a variety of opinions. Foreign newspapers and periodicals circulated freely.

Broadcast media, the primary source of news for most citizens, were either state-owned or owned by oligarchs and powerful business interests. There were six national television stations. State-run television had the widest geographic coverage but low viewership. Most other television stations were associated with political parties or powerful business interests; such interests may or may not coincide with the interests of government authorities, depending on the issue. The third and fourth most popular stations were seen as pro-presidential. Two of the more outspoken stations had considerable foreign ownership.

During the year, the authorities took steps to strengthen their control over the broadcasting sector. The President and the Rada each appoint half of the members of the National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time. The Council made decisions that showed a bias in favor of business interests closely allied politically with the Government. In April 2001, the Council decided against renewing the license of Radio Kontynent (RK), an independent radio station that rebroadcast news reports of the British Broadcasting Corporation (BBC), Voice of America (VOA), and Deutsche Welle. RK has been critical of the Government in its own broadcasts, and its owner has been highly critical of President Kuchma's relationship with the media. After a successful challenge to its initial rationale that RK's rebroadcasts of foreign stations were illegal, the Council cited a debt owed by the station to the Government as grounds for its decision. In October 2001, the Kiev Municipal Arbitration Court denied RK's request to block the sale of the radio station's frequency. RK continued to operate at year's end pending further appeal. The European Court for Human Rights (ECHR) was reviewing the case at year's end. Also in April, the Council stripped the Kiev-based Television Company UTAR of its broadcasting license and awarded the frequency to TV Tabachuk. The press speculated that the license revocation related to the suspicion that opposition politician Yuliya Tymoshenko financially supported UTAR. UTAR stopped broadcasting after losing its license. The station appealed the decision and the Shevchenkivsky district court ruled in favor of UTAR; however, the decision had not been implemented by year's end.

Government entities used criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press; however, the use of such cases decreased during the year. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity. Article 125 of the Criminal Code, in effect until September 2001, prescribed imprisonment of up to 3 years for libel. The Criminal Code that entered into effect in September 2001 eliminated any criminal penalty for libel. In addition, a May 2001 Resolution of the Plenum of the Supreme Court mandated that in order to prove libel, plaintiffs must demonstrate that journalists had prior knowledge of the falsity of information before publishing it. There is no limit to the damages that may be awarded under a civil libel suit. Lower courts still may order that the accounts of a newspaper be frozen pending an appeal of a civil libel case. Journalists complained that because the law did not limit damages, it was used to drive opposition newspapers out of business. While figures were unavailable, the number of libel cases during the year reportedly decreased. In June authorities froze the assets of the Zaporizhzhya newspaper *Industrialne Zaporizhzhya* to cover court-imposed fines for publishing libelous pre-election publications. The case was settled after several months and the newspaper made no claims against the Tax Administration. The commercial publishing house, Taki Spravy, experienced harassment by tax police and inspectors from other government agencies that appeared to be politically motivated. Taki Spravy attributed the harassment to its printing a book about the opposition parliamentarian Yuliya Tymoshenko prior to the March parliamentary elections. In June the tax police froze Taki Spravy's bank accounts pending criminal investigation of alleged tax evasion. On September 12, the Kiev Commercial Court ruled that the Tax Administration's charges against Taki Spravy were baseless; however, visits by tax administration officials continued. The case involving two libel suits originally filed in 2001 against Radio Free Europe/Radio Liberty was reheard for the third time due to a change in judges; however, no decision or settlement had been reached by year's end for either suit.

The Procuracy applied other portions of the law, especially article 182 of the Criminal Code that deals with the collection, storage, use or dissemination of confidential information about a person without his consent, to limit press freedom and opposition activities. Early in the year, the Procuracy initiated criminal proceedings against former opposition parliamentarian Dmytro Chobit on charges of "unlawfully collecting and circulating information about an individual without an individual's consent." Chobit authored a book, *Narcissus*, about political party leader Viktor Medvedchuk. On July 8, an appeals court in Rivne Oblast ordered police to return to Chobit a vanload of copies of his critical book about President Kuchma, *Svystun*, which police confiscated in October 1999, prior to the 1999 presidential election. In March the Procuracy opened a criminal case against the publishing house *Respublika* in Cherkasy on charges of "circulating confidential information about citizens without their consent" for publishing a critical article about (then) Prosecutor General Potebenko.

In July the National Council on Television and Radio Broadcasting signed a letter warning Radio Dovira that it was rebroadcasting Radio Liberty illegally. Dovira ap-

pealed the decision and applied for an expanded license that would allow them to continue rebroadcasting Radio Liberty. The case was ongoing at year's end. The National Council announced on October 30 that effective January 1, 2003, Ukrainian broadcasters would require new, special licenses to rebroadcast foreign programs. On November 13, after numerous complaints about the new regulations, the Council rescinded its decision saying it would apply the rules only after the Government could set regulations to govern the new licensing process.

As of the end of the year, the legal appeals of the Fifth Channel private Television station in the town of Nikopol and of the Zaporizhzhya-based television station Khortytsia against deprivation of their licenses had not been heard. The stations remained off the air. Both stations alleged that they were being penalized for criticizing local officials. In 2000 the National Council held an auction for the use of the Fifth Channel private TV station in the town of Nikopol, Dnipropetrovsk Oblast, allegedly without informing Fifth Channel. ICTV won the bidding for the frequency. On January 31, a Kiev court suspended the National Council's decision. However, on March 4, the State Inspectorate of Electrical Communications, the Government frequency regulatory agency, blocked access to transmitters of Fifth Channel in Nikopol on the grounds that Fifth Channel had no broadcasting license. Fifth Channel argued that it was not to blame for the expiration of its license because the National Council for Television and Radio Broadcasting delayed the auction. Fifth Channel attributed the licensing problems to its criticism of local authorities while some observers believed that the organization did not meet the licensing requirements. Fifth Channel pursued the case in the Kiev Commercial Court of Appeal. At almost the same time, Zaporizhzhya-based television station Khortytsia had almost identical problems with the Council and with the State Inspectorate of Electrical Communications. Khortytsia also lost its license, which the Council awarded to TV-Khortytsia, a completely separate entity. Khortytsia attributed its difficulties to its criticism of local authorities, namely of the mayor of Zaporizhzhya. Khortytsia's case was under appeal in the courts at year's end.

As in the 1999 presidential election, the March parliamentary election campaign saw a marked imbalance in the coverage of candidates on national television and radio channels, with opposition candidates receiving limited and often negative coverage at the national level. Opposition candidates had more success in obtaining access to smaller local and regional television channels. The OSCE reported that media coverage of the elections was "highly biased," with the state-funded national channel giving "disproportionate coverage to the pro-presidential candidates"; however, candidates' access to the media improved compared to previous elections.

The Government at times directed key businesses either to purchase advertising from regional television stations or to withdraw from advertising contracts, depending on the news coverage the stations offered.

In February 2001, the State Tax Administration, in a gesture of transparency, began publishing a monthly list of media outlets scheduled for audits, rather than conducting audits arbitrarily. Following the publication of this list there were no reported cases in which the State Tax Administration targeted media outlets for arbitrary inspection. The publisher Taki Spravy, and Internet publication Obkom announced in October that they would form an association to inform the public about tax inspections of the media. According to tax chief Mykola Azarov, the State Tax Administration inspected 80 mass media outlets in the first 9 months of the year.

State and independent channels were subject to the same rates for the majority of broadcasting fees as State channels; however, the Government rarely enforced fee payments for state channels. Private and foreign companies also must obtain licenses in order to establish and operate their own transmission facilities.

The SBU had broad powers over the media in regard to the publication of state secrets, which included information on executions, the physical state of prison infrastructure, pretrial detention facilities, and centers for the forcible treatment of alcoholics. In contrast to the previous year, when there was one instance of interference, journalists reported that, in general, the SBU did not interfere with their activities during the year and that they were able to report about harsh prison conditions without any inhibition (*see* Section 1.c.).

On January 24, an unknown man wearing a military cadet uniform robbed Oleh Lyashko, editor of the opposition newspaper Svoboda. Lyashko intended to pay the deposit required of candidates for parliament in the March elections. Lyashko charged that the security services staged the robbery to prevent him from registering as a candidate.

The print media, both independent and government-owned, sometimes demonstrated a tendency toward self-censorship on matters that the Government deemed sensitive. Private newspapers were established and were free to function on a purely commercial basis, although very few were profitable. However, they were

subject to various pressures, such as dependence on political patrons who may facilitate financial support from the State Press Support Fund and close scrutiny from government officials, especially at the local level. The dependence of some of the press on government patronage inhibited criticism, particularly at the local level. This type of pressure was particularly acute prior to and during the March parliamentary elections.

In January the prosecutor's office launched a criminal investigation concerning the alleged misuse of budgetary funds by the parliament's newspaper Voice of Ukraine. The newspaper's editor, Serhiy Pravdenko, a member of Yulia Tymoshenko's parliamentary faction, denied the charges. Some observers attributed the accusations to the newspaper's positive coverage of Tymoshenko prior to the March elections. The charges against the Voice of Ukraine were dropped after Pravdenko resigned in July. Pravdenko explained that he resigned in order to save the newspaper from the baseless, politically motivated charges.

The Tax Administration also appeared to have harassed media outlets that exposed corruption or provided positive coverage to opposition figures. On February 19, the tax police raided the office of the Internet newspaper Obkom, confiscating computers and documentation in connection with an investigation into an unspecified criminal case. Obkom attributed the raid to its critical publications about the head of the Tax Administration. Two Obkom staffers were taken to the tax police office and released several hours later. The following day, the tax police allegedly acknowledged that they had searched Obkom's office by mistake and explained that they were looking for illegal foreign currency exchange centers. Obkom's office happened to be in the same building with the suspect bank. Tax police refused to return Obkom's computers, however, "pending further investigation," and reportedly later claimed that Obkom was linked to Koral bank, which was under investigation for illegal hard-currency transactions. The tax police said that they might return Obkom's computers, except for one that contained a pornography clip, which could entail prosecution. Obkom resumed its operations in December with new computer systems.

The opposition newspaper Svoboda continued to come under close scrutiny. On March 24, police stopped a van with approximately 100,000 copies of the newspaper on a highway in Cherkasy Oblast and threw the newspapers into a nearby river. The edition carried a statement by an opposition parliamentarian accusing the Prosecutor General of bribery. Police allegedly pushed the van driver into the back seat of the police car, face down on the seat, and then let him out of the police car onto the road several hundred meters away. Later the same day, police raided the publishing house Respublika in Cherkasy and confiscated another 100,000 copies of the same edition of Svoboda. Police reportedly possessed a warrant only for the search of the premises of the publishing house, not for the confiscation of the papers. The Procuracy opened a criminal case against the publishing house in connection with the "circulation of confidential information about citizens without their consent" and "abuse of office" while circulating such information.

On April 9, the editor of the paper, Oleh Lyashko, was taken to the Procuracy for questioning in connection with the criminal case against him on charges of resisting police during a March 24 police raid on the publishing house Respublika. Also on April 9, officials confiscated documentation from Svoboda's office in Kiev. On April 15, Lyashko was formally arrested on charges of resisting police during the police raid of Respublika. He was placed in a pretrial detention center in Cherkasy for several days before being released with a travel ban. In recent years, government officials initiated more than 20 criminal and civil libel cases against Lyashko and his publication Polityka (which was forced to close in 1999), asking for more than \$40 million (200 million hryvnia) in damages.

On June 25, Volodymyr Boyko, investigative journalist and writer for the Internet newspapers Obkom and Criminal Ukraine, and also for the Donetsk-based newspaper Salon, was detained in Donetsk by the Donetsk Oblast Tax police on charges of tax evasion. A criminal case against Boyko was opened on May 10. In violation of the criminal procedures, Boyko was questioned for the first time only on June 25. Boyko attributed his arrest to the fact that he wrote about embezzlement by Chief of the Donetsk Oblast Tax Administration, Olexandr Papaika. On July 6, Boyko was released by court on bail of \$3,000 (17 thousand hryvnia) pending further investigation. On August 19, the Donetsk Appeals Court ruled that Boyko's detention on June 25 was unlawful. In August the Procuracy closed the criminal case against Boyko. The Procuracy officially apologized to Boyko.

In early December, the Crimean Court of Appeal reversed the decision of the Simferopol Central Court and released Volodymyr Lutiyeu, the editor of the Yevpatoria Week newspaper in Crimea, on his own recognizance. Lutiyeu was arrested on November 11 and charged with complicity in ordering the murder of a member of the

Crimean parliament. He asserted that the charges were brought in revenge for articles in his newspaper criticizing regional government officials and discussing organized crime.

During the year, some journalists were subjected to physical attacks that may have been related to their professional activities. The national affiliate of Reporters Without Borders reported that 28 incidents of physical and verbal harassment against journalists occurred during the year and that four journalists died during the year in ways that may have been connected with their professional activities. On October 28, Mykhailo Kolomiyets, a journalist who was editor of the Ukrainsky Novyny news agency, disappeared from Kiev. He was found hanged in neighboring Belarus on November 20. Ukrainian and Belarusian police concluded that the death was a suicide, but relatives demanded further investigation. The Kiev prosecutor's office invited a team of foreign investigators to help determine whether Kolomiyets committed suicide.

On January 28, an unknown assailant threw acid in the face of Tatiana Goryacheva, the chief editor of Berdyansk Delovoi, an independent newspaper based in Zaporizhia. Goryacheva sustained second degree burns on her face and eyes. She believed the attack was in retaliation for her stories about illegal exports of metal through Berdyansk ports, corruption among local authorities, improper behavior of court officials, as well as unbiased coverage of candidates and parties in the pre-election period.

On February 2, Ivan Besiada, reporter of the Lviv-based newspaper *Za Vilnu Ukrainu* and an activist of Yushchenko's bloc, *Our Ukraine*, was assaulted in Lviv. He sustained a broken jaw and a concussion. He said that the assault may have been linked to his journalistic activities. In September unknown assailants assaulted Petro Kobevko, editor of Chernivtsi-based opposition newspaper *Chas*. Local reporters alleged a link between the assault and the newspaper's criticism of the Chernivtsi Oblast governor.

As of year's end, no suspect had been identified in the June 24, 2001, killing of Oleh Breus, the publisher of the regional weekly *XXI Vek* in Luhansk. Breus was shot to death in front of his home; the motive for the killing was unclear. Breus was a businessman and held a senior position in the regional Communist Party of Workers and Peasants. He had experienced at least one previous attempt on his life in December 2000, and his colleagues at the newspaper also had received threats. On February 5, police arrested a man in connection with the 2001 attack on *Izvestia* correspondent Yanina Sokolovskaya. The man reportedly confessed to the crime saying he intended to rob Sokolovskaya. The courts found him guilty of the crime. The courts also convicted two men who severely beat Luhansk television reporter Oleksiy Movsesyan in August 2001. The television station claims the attacks were related to the reporter's professional activities, whereas police cite hooliganism as the motivation.

Journalists who pursued allegations of high-level government involvement in the killing of journalist Heorhiy Gongadze continued to be subject to harassment by the Government (*see* Section 1.a.). Olena Prytula, editor of the Internet publication *Ukrainska Pravda*, requested that the Government provide her with bodyguards after individuals in the Procurator General's office advised her that there was a credible threat to her life, apparently linked to the Gongadze case. The Government complied with her request. While the press continued to cover the disappearance of Gongadze, they practiced some self-censorship.

The 2000 disappearance and killing of journalist Heorhiy Gongadze and the 2001 killing of Ihor Aleksandrov raised serious concerns regarding whether the authorities targeted journalists specifically for critical political reporting (*see* Sections 1.a. and 1.c.). On December 13, 2001, the Minister of Internal Affairs issued a ruling allowing journalists covering politics, corruption, and crime to carry guns firing rubber bullets.

There were instances in which the authorities restricted or banned some publications critical of governmental entities or officials. In June and July, the Dnipropetrovsk-based independent newspaper *Litsa* complained about local government pressure following its publication of articles about the local government's interference in July 14 by-elections in Dnipropetrovsk Oblast. On June 19, oblast police, led by the deputy police chief, briefly detained a van full of *Litsa* newspapers as if for inspection. Several publishing houses also refused to publish the newspaper, allegedly due to government pressure. The paper's landlord evicted the newspaper from its leased office, reportedly under police pressure. On June 25, the newspaper's major advertising client terminated its partnership with the publication.

A July 2000 Presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network. According to the SBU, it has set up

an Internet monitoring network in order to fight corruption and further the country's integration into the European Community; however, human rights organizations feared that this network has increased the SBU's ability to supervise citizens without cause. Though limited in readership, Internet publications, in particular *Ukrayinska Pravda*, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of Presidential involvement in the case (*see* Section 1.a.).

While major universities were state-owned, they operated for the most part under full autonomy; however, academic freedom was an underdeveloped and poorly understood concept. Nepotism and bribery reportedly were common during entrance exams and also influenced the granting of degrees. Administrators of universities and academic and research institute directors possessed the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. Restrictions by the Communications Ministry on the mailing of scientific documents also caused concern. Student protesters complained that university administrators across the country pressured them not to participate in antipresidential demonstrations held in September (*see* Section 2.b.). The SBU maintained offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. All private and religiously affiliated universities operated without any reported state interference or harassment.

b. Freedom of Peaceful Assembly and Association.—The Constitution and law provide for freedom of assembly and association; however, extensive actions were taken to preclude participation in antigovernment demonstrations in September. While the Constitution requires that demonstrators merely inform the authorities of a planned demonstration in advance, the law on public assembly stipulates that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration. The 2001 Criminal Code prescribes up to 2 months of corrective labor or a fine for repeatedly staging unauthorized demonstrations. Under the law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice unlicensed demonstrations were common; most but not all occurred without police interference, fines, or detention.

Antipresidential demonstrations took place in central Kiev and in most major cities in the fall. While such demonstrations generally were peaceful, on the morning of September 17, the police forcibly dispersed antipresidential demonstrators who had illegally set up tent cities around the Rada and Presidential Administration in downtown Kiev the night before. Authorities nationwide took extensive measures to prevent demonstrators from traveling to Kiev and from gathering in other cities. Authorities allegedly detained individuals prior to the demonstrations and impounded opposition activists' cars for "technical" reasons. Police turned buses around to prevent potential demonstrators from entering the Kiev city limits, and the rail services reportedly provided fewer train cars traveling to Kiev on the day of the demonstrations. There were television blackouts on the morning of the September 16 demonstrations and the majority of foreign currency exchange booths in Kiev were closed without explanation the weekend prior to the protest rallies.

In late December, a Kiev court sentenced 18 participants in a March 2001 antigovernment demonstration to up to 5 years in prison for disturbing public order. The demonstration had led to clashes with police. Those convicted were members of UNA-UNSO, known for its nationalist views. The leader of the group, Andriy Shkil, was not subject to prosecution because of his immunity as a member of parliament. During the sentencing, a disturbance erupted in the courtroom when one of the defendants attempted self-immolation. During the disturbance, opposition Rada Deputy Mykhailo Volynets suffered rib injuries; Volynets said he was beaten by the police.

The Constitution, the law, and government regulations restrict freedom of association to varying degrees. A May 2001 law on political parties provides that a party must inform the Government about its financial holdings and any change in its leadership or program. Political parties may not receive financial support from the state or any foreign patron. In accordance with the Constitution, the law also forbids the establishment of political parties in the executive and judicial branches, military units, law enforcement organizations, state-owned enterprises, and other public institutions; however, this prohibition often was ignored in practice. The Supreme Court reserves the right to ban any political party upon the recommendation of the Ministry of Justice or the Prosecutor General.

The 2001 law requires that a political party maintain offices in one-half of the regions; however, in practice regional parties existed. Ethnic minorities occupied leadership positions in national political parties (*see* Section 3). Groups must reg-

ister with the Government to pursue almost any purpose. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts. The registration law also gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but the party is not required to notify the authorities of all its meetings. A change in the group's charter necessitates reregistration. As of year's end, the Government had not reregistered the Ukraine offices of the National Democratic Institute (NDI), the International Republican Institute (IRI), and the Institute for Sustainable Communities.

In the past, some authorities interpreted a provision in the Law on Public Organizations—it states that public organizations are created to protect the interests of their members—to mean that public organizations may offer services only to their members. However, there were no reports that this requirement was used to restrict the activities of any group during the year.

The law provides also for restrictions on organizations that are considered dangerous, such as those which advocate violence or racial and religious hatred or which threaten the public order or health. The Government had not identified publicly any such groups as “dangerous” as of year's end; however, far-right political organizations reported that they were subject to harassment and surveillance by government authorities.

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice. Religious groups of all beliefs flourished; however, some minority and nontraditional religions continued to experience difficulties registering and buying or leasing property at the local level, although there were fewer reports of such difficulties than in the past. The Constitution and the law provide for the separation of church and state.

There was no state religion. The Ukrainian Orthodox Church, Moscow Patriarchate, tended to predominate in the east; the Ukrainian Orthodox Church, Kiev Patriarchate, and the smaller Ukrainian Autocephalous Orthodox Church were strong in the central regions, and the Ukrainian Greek Catholic Church predominated in the west. These churches exerted significant political influence at the local and regional levels. Reportedly each of these churches, within its respective sphere of influence, also pressured local officials to restrict the activities of the others.

The law requires all religious organizations to register with the State Committee on Religious Affairs (SCRA). Registration is necessary to own property or carry out many economic activities, such as publishing religious materials and opening bank accounts.

Some nonnative and minority religious organizations reported that, especially at the local or regional levels, officials of the SCRA delayed registration of their organizations for extended periods. However, there were fewer such reports during the year. Representatives of Progressive Jewish Community claimed that pressure from Chabad Lubavitch officials and local Dnipropetrovsk authorities led to a 5-year delay in the granting of registration to a Progressive Jewish Community in the city. In October 2001, members of the Community withdrew their petition for registration, citing harassment by local authorities. The Progressive Jewish Community also reported that its application for registration in Kryvyi Rih, Dnipropetrovsk Oblast, had been under examination since 2001.

Representatives of Evangelical Christian communities expressed concern over instances of discrimination against their adherents. In December the Suvorov District court ordered a Pentecostal Church in Kherson closed for holding public services in June and July without permission from the local authorities. However, such incidents appeared to be isolated. Evangelical Churches, like many other religious communities, experienced difficulties in obtaining land plots.

Disputes among competing Orthodox Christian administrative bodies continued. The SCRA, although supportive of a unified, independent Orthodox Church for the country, has maintained neutrality in its relations with the various Orthodox churches. The Kiev Patriarchate of the Orthodox Church and the Greek Catholic church complained of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complained that local governments ignored the appropriation of its churches by Greek Catholics in the western region.

The Government generally permitted religious organizations to establish places of worship and to train clergy. The Government continued to facilitate the building of houses of worship by allocation of land plots for new construction and through restitution of religious buildings to their rightful owners.

Representatives of the Ukrainian Autocephalous Orthodox Church cited instances of difficulties in providing religious services to soldiers and of the need to obtain ap-

proval from prison chaplains of the Moscow Patriarchate for prison ministry activities.

Members of numerous religious communities encountered difficulties in dealing with the Kiev municipal administration to obtain land permits and building permits, problems not limited to religious groups. Representatives of the Jewish community in Poltava complained that, despite assistance from the national authorities, the Poltava mayor's office refused to address their concerns about obtaining property for a synagogue.

The law restricts the activities of nonnative, foreign-based, religious organizations ("native religions" are defined as Orthodox, Greek Catholic, and Jewish), and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. They may preach, administer religious ordinances, or practice other canonical activities only in those religious organizations which invited them to Ukraine and with official approval of the Governmental body that registered the statutes and the articles of the pertinent religious organization. However, in practice the Government has not used the law to limit greatly the activity of nonnative religious organizations. There were no reports that nonnative foreign religious workers encountered difficulties obtaining visas or carrying out their activities during the year.

Religious instruction is prohibited in the public school curriculum. Schools run by religious communities can and do include religious education as an extracurricular activity. In 2001 the Government began attempts to introduce training in "basic Christian ethics" into the schools. While the country's Jewish leaders support the teaching of ethics and civics in school, they insist on a nonsectarian approach to this training.

A large number of high-level government officials took part in the commemoration of the massacre at Babyn Yar in Kiev, one of the most serious Nazi crimes of the Holocaust, which the Government commemorates each September.

The Government continued to return properties expropriated during the Soviet era to religious groups; however, not all groups regarded the pace of restitution as satisfactory, and all major religious communities continued to have outstanding restitution claims. In 2001 the Government completed the return of a number of major religious edifices for use by the main Orthodox churches in Ukraine. According to the State Committee for Religious Affairs, during 2002 the Government transferred ownership of 187 buildings that were originally constructed as places of worship to religious communities, for a total of 8,776 since independence in 1991. In addition, during the year religious communities received ownership of 358 premises (i.e. buildings or sections of buildings) converted into places of worship and another 524 religious buildings that were not designated for worship, such as former religious schools, hospitals, and clerical residences, totaling 2,388 and 1,313, respectively, since independence. Intra-communal competition for particular properties complicated the restitution issue, both for some Christian and for some Jewish communities. Some groups asserted that restitution generally was progressing satisfactorily, although more could be done, while others not receiving property reported a lack of progress. The slow pace of restitution was a reflection, among other things, of the country's difficult economic condition, which severely limits funds available for the relocation of the occupants of seized religious property. On September 27, the cabinet approved an action plan, drawn up at the instruction of President Kuchma, designed to return religious buildings to the religious organizations that formerly owned them.

The March parliamentary elections, in which some priests of various Orthodox communities were accused of endorsing particular political parties or candidates in their sermons, had a negative impact on inter-Orthodox relations, which had already been tense.

Disputes over the erection of crosses in Jewish cemeteries in Sambir, Kiev, remained unresolved. In 2000 in Sambir, Lviv Oblast, Jews, with foreign assistance, began construction of a memorial park at the site of an old Jewish cemetery, which was the scene of Nazi atrocities. Nationalists erected crosses on the site to commemorate Christian victims of Nazi terror, who had been buried in a mass grave at the site. While memorial organizers supported the recognition of all groups who suffered on the Sambir site, they opposed the use of Christian religious symbols on the grounds of the Jewish cemetery. At the same time, local nationalists remained opposed to the use of Jewish symbols or Hebrew in the memorial. Jewish and Greek Catholic leaders intervened in an attempt to find a solution to the dispute. In spite of a proposal by the memorial's foreign sponsor to relocate the crosses to another site at his expense, local government leaders still had not resolved the conflict by year's end. Local officials in Volodymyr-Volynsky, Western Ukraine, continued to

allow construction of an apartment building on the site of an old Jewish cemetery despite a December 17 court ruling to halt construction.

Some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts. Anti-Semitic publications also were imported from Russia and distributed without the necessary state license. The Procuracy warned certain publications against publishing anti-Semitic material. Leaders of the Jewish community welcomed changes in the editorial staffs of the newspapers *Vechirniy Kyiv* and *Za Vilnu Ukrayinu* in late 2000. Under new editors, these newspapers, which had been among the chief offenders in publishing anti-Semitic articles, ceased such activity. While acts of anti-Semitic violence were uncommon, an attack on the Great Synagogue of Kiev in April by inebriated youths following a soccer match was a source of concern to the Jewish community. However, there were no other attacks on the synagogue during the year, and most observers believed that the April incident was not premeditated.

Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as public criticism for betraying native religions, although there were no reports of harassment.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were some limitations. Until November 2001, the *propyska* system—a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits—remained in place; access to certain social benefits was limited to the place where one was registered. The Government had not implemented a substitute informational register by year's end and, while fines for failing to register at a place of residence were no longer imposed, information was insufficient at year's end to determine whether individuals who had not been registered had access to the social benefits they had been denied previously. Police also arbitrarily detained persons for extensive document checks and vehicle inspections (*see* Sections 1.f. and 2.b.).

Citizens who wished to travel abroad generally were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in another country but there were no known cases of exit visas being denied to citizens during the year. The Government could deny passports to individuals in possession of state secrets, but those denied had the possibility of appealing.

A 2001 Citizenship Law provides the right to citizenship to all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 13, 1991. Dual citizenship is not recognized. Under the terms of the Citizenship Law, refugees may acquire citizenship if they have lived legally in the country for 3 years (instead of 5 years for other foreigners) and can communicate in the Ukrainian language. Refugees do not have to terminate foreign citizenship with their home country formally unless the Government has signed a specific agreement with that country mandating such a procedure; they must only notify the authorities of their rejection of foreign citizenship. Since independence over 1.5 million Ukrainians have returned to the country, while over 1 million persons, mostly ethnic Russians, have left the country.

The Government has not supported a foreign-funded program to facilitate travel to the country of some emigrants who qualified for resettlement as refugees; however, more than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. Amendments to the 1991 Citizenship Law facilitated the acquisition of citizenship by Crimean Tatars, who were deported victims of political oppression, by waiving some of the usual residence and language requirements. According to the U.N. High Commission for Refugees (UNHCR), approximately 98 percent of the Tatar returnees have acquired citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship previously excluded many of them from participation in elections and from the right to take part in the privatization of land and state assets.

In August 2001, a revised Law on Refugees entered into effect. It provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, which Ukraine ratified on January 10. The new law governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. It also extends the term of refugee status from 3 months to 1 year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees; however, the UNHCR and refugee protection groups reported that in practice the Government did not consider petitions for refugee status until mid-year. The regional centers began forwarding cases

to the central authorities in July and August. This new process slowed the adjudication of cases; however, it standardized decision-making. The Law on Refugees raised the Department for Nationalities and Migration to the rank of a State Committee and transferred authority for refugee adjudication from local branches of the former Department to the Committee. However, the law did not prescribe an adjudication mechanism for this new body. The number of individuals who received refugee status during the year declined greatly. Largely as a result of the change in procedures, the UNHCR reported that only two persons were granted refugee status during the year. A commitment was made to award refugee status to all Afghans who arrived in the country before 1995. Under the new Citizenship Law, legally registered refugees may apply for citizenship after 3 years of permanent residence. As of July 1, according to statistics in the Government Courier newspaper, 2,961 persons had official refugee status. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet allocates funds in the national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. Refugee reception centers operated in Vynitsya and Odesa.

According to the State Committee for Nationalities and Migration, the Government has a first asylum policy, but no data was available on the number of persons granted first asylum status during the year.

Instances of police harassment of certain categories of refugees reportedly continued during the year. The UNHCR issued beneficiary cards to persons it recognized as refugees. Presentation of this card to law enforcement authorities reportedly led to some reduction in harassment, although this procedure did not help the large numbers of unrecognized refugees. In 2001 the UNHCR began holding training seminars for police to prevent further harassment.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections; the OSCE noted some improvements in the March parliamentary elections, but significant flaws persisted.

The Constitution provides universal suffrage for citizens at least 18 years of age and for periodic elections every 4 years for the Rada and every 5 years for President. Parliamentary elections took place in March. The most recent presidential election was held in October and November 1999. Improvements noted by the OSCE monitoring mission for the March parliamentary elections included a new Election Law that took into account international recommendations and a civil society engaged in the electoral process. For example, extensive NGO monitoring of the preelection and election processes and prompt release of exit polling immediately after the voting ended helped to improve the electoral process. However, a general atmosphere of distrust pervaded the pre-electoral environment due to factors that included flawed implementation of the legal framework, illegal interference by the authorities in the electoral process, and abuse of administrative resources, including alleged pressure on public employees to vote for certain candidates. Media coverage was highly biased, and opposition candidates did not have equal access to electronic media. The Government did not move in a proactive manner to ensure a level playing field for all political parties. Officials did not take steps to curb the widespread and open abuse of authority, including the use of government positions and facilities, to the unfair advantage of certain parties. According to the OSCE report, voter lists were unreliable, containing outdated information, including voters who have moved to other districts or left the country, and deceased persons whose names remain on voter lists. During the parliamentary elections, there were numerous reports that the Government relied on local and regional authorities to pressure voters into supporting pro-presidential parties. Authorities also used administrative resources to support pro-presidential party campaigning activities. The OSCE noted a "surprising" contrast between the party-list vote and the single-mandate results. Election experts consider single district constituencies more easily manipulated than party list elections. There were many instances of harassment during campaigning, and as with previous elections, opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. On February 27, police raided the Kiev election office of Oles Doniy, a candidate for parliament in Kiev and head of the youth wing of Tymoshenko's Bloc. According to Bloc activists, police searched the office, confiscated the lists of Doniy's supporters, threatened 1 supporter with arrest, and demanded that 20 other supporters come to the police station for questioning. Doniy

claimed that the raid was designed to put pressure on Tymoshenko's Bloc and his own supporters.

Some violent incidents, including one killing, in the preelection period may have been politically motivated (*see* Section 1.d.). On March 29, the day before the elections, unknown gunmen shot dead the Ivano-Frankivsk Oblast Deputy Governor, Mykola Shkribliak, in the stairwell of his apartment complex. Shkribliak was the Social Democratic Party of Ukraine (United) candidate for the Rada constituency seat. On March 2, according to Parliamentarian Valentyn Zubov, unknown persons in Donetsk Oblast assaulted him and a regional leader of *Batkivshchyna*, Anatoliy Tkachenko. The assailants, Zubov claimed, grabbed the schedule of Tymoshenko's March 5-6 visit to Donetsk Oblast. Tymoshenko's election headquarters in Donetsk Oblast accused agents of the security services of the attack. On April 9, the local election commission invalidated the results, which the Central Elections Commission (CEC) and the courts later revalidated. The murder investigation was ongoing at year's end.

The former head of the Rada inquiry commission on the Gongadze case, Oleksandr Zhyr, appeared to have lost his bid for reelection through vote rigging and manipulation of the judiciary. Zhyr showed video footage apparently depicting an April 8 meeting between the deputy governor in Dnipropetrovsk Oblast, Vitaliy Rudnychenko, and the leaders of all election commissions in Zhyr's constituency. The deputy governor dictated to leaders of all the election commissions in Zhyr's constituency what the "correct" election results must be in Zhyr's constituency. During the elections, Zhyr alleged the existence of duplicate protocols in eight polling stations. Although the Supreme Court confirmed the fraud, the CEC did not refer the case for further investigation. In the July 14 by-election, the election authorities revoked Zhyr's candidacy a day before the election, based on a court decision that he had engaged in improper campaign spending. The timing of the revocation reinforced the impression of political motivation.

The NGO Committee of Voters of Ukraine (CVU) cited government interference in July 14 by-elections for three vacant seats. The CVU also complained about government interference and massive irregularities during a June 9 repeat mayoral election in Kirovohrad.

CVU election monitor Oleksandr Olynyk disappeared following the March elections. Investigations into his disappearance were ongoing at year's end (*see* Section 1.b.).

In an April 2000 referendum on constitutional amendments that would increase presidential powers, the voting process was conducted in a generally free and fair manner; however, there were some serious problems, which included unbalanced media coverage, inappropriate involvement of government officials in influencing voters on behalf of President Kuchma, and alleged manipulation of voter turnout. However, most observers reported that the outcome generally reflected the will of the electorate.

International observers noted violations of election day procedures in the 1999 presidential election, with more numerous and serious violations occurring in the second round of voting. A representative of the Parliamentary Assembly of the Council of Europe declared that the election was "far from fair and democratic." However, because of President Kuchma's 18-point margin of victory, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election.

There were 23 women in the 450 seat Rada, down from 37 in the previous Rada. No women held ministerial posts. The 18-member Constitutional Court had 2 female members. Women occupied approximately 10 percent of local council seats, according to statistics from the State Committee for Family and Youth.

Jews were well represented among the political elite and held several parliamentary seats. The representation of Crimean Tatars increased in local and regional councils. Crimean Tatars had the third largest representation on the Supreme Council of Crimea, due largely to citizenship laws that increased the number of eligible voters from the Crimean Tatar community.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, there were confirmed reports that the SBU monitored NGOs engaged in nonpartisan political activity during the 1999 presidential election campaign, and there were recent reports that the Government monitored the activities of NGOs involved in democracy development and election programs (*see* Section 3). Government officials frequently were cooperative and responsive to the views of

NGOs; however, human rights groups reported continued difficulties in investigating penal conditions and abuse of conscripts in the military, both of which were significant human rights problems (*see* Section 1.c.).

The Parliamentary Commissioner on Human Rights is a constitutionally mandated independent human rights ombudsman. In 1998 the Rada elected the first Ombudsman, who serves a 5-year term and, in principle, is invested by law with very broad powers. The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and oversight of the implementation of human rights treaties and agreements to which the country is a party; however, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law requires the Government to submit amendments to existing laws in order to establish a legal framework for the operation of the Ombudsman's office; however, although the Ombudsman noted the lack of effective mechanisms for protection of human rights in a November 2000 report to Parliament, that body had not enacted any such amendments by year's end. All citizens and residents can address their concerns to the Ombudsman, and the Ombudsman serves as an intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly (*see* Section 1.e.).

The Ombudsman's office reported that it had received more than 63,000 letters and other requests for information from individuals during the year. It is unclear how many of those requests were complaints of human rights violations. The office consisted of approximately 90 full- and part-time workers; however, according to the Ombudsman, underfunding of the office continued to hamper its activities. The Ombudsman continued to make the combating of trafficking in persons (*see* Section 6.f.) and improving prison conditions (*see* Section 1.c.) major priorities during the year.

On November 17, the President signed the Law on the Ratification of Protocol No. 13 to the European Convention on the Protection of Human Rights and Fundamental Freedoms. The Rada ratified the Protocol on November 28.

Citizens have the right to file appeals with the ECHR about alleged human rights violations. Since 1997, Ukrainians have filed approximately 4,000 applications with the court. There were 10 decisions on Ukrainian cases during the year: 8 cases were ruled inadmissible, 1 was found partially admissible, and in 1 case the Court ruled that the applicant had been deprived of his right to an impartial tribunal in Ukraine.

Section 5. Discrimination Based on Race, Sex, Disability, Language or Social Status

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, the Government did not enforce these provisions effectively due in part to the absence of an effective judicial system.

Women.—Violence against women reportedly was pervasive. While statistics compiled by the U.N. Development Program (UNDP) showed that the number of reported rapes and attempted rapes had decreased over the previous few years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped and that over 25 percent were abused physically in their lifetimes. The International Helsinki Federation for Human Rights reported in 2000 that 20 percent of women aged 17 to 21 had faced attempted rape. In 2001 1,051 rape cases under Article 117 of the old Criminal Code and another 152 under the new Criminal Code were opened. Information on convictions was not available. Spousal abuse is illegal, but the authorities often pressured women not to press charges against their husbands. The Criminal Code outlaws rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Official statistics on prosecutions for wife beating or on average sentences were not available; however, the Institute of Sociological Research reported in September 2000 that 12 percent of women under the age of 28 had been victims of domestic violence.

Violence against women did not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. State-run hot lines, shelters, and other forms of practical support for victims of abuse were few. Municipal authorities in Kiev ran a women's center, the only municipally supported shelter in the country. NGOs attempted to provide services for abused women through the establishment of women's support centers in seven cities (*see* Section 6.f.).

The country was a significant source and transit country for women trafficked abroad for sexual exploitation (*see* Section 6.f.).

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, legal safeguards

against harassment were inadequate. No statistics were available concerning the number of prosecutions for sexual harassment during the year.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed; however, the economic decline of the past decade has harmed women disproportionately. Women were much more likely to be laid off than men. At the beginning of 2001, according to the State Committee on Statistics, overall unemployment was 3.7 percent, and women accounted for 65 to 70 percent of the unemployed. Industries that were dominated by female workers were also those with the lowest relative wages and the ones that were most likely to be affected by wage arrears problems. According to statistics from the State Committee for Family and Youth released in June, women's average pay was 27 percent lower than the average wage for men.

The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, such as those that involved heavy lifting; however, enforcement of these laws remained poor despite the implementation of a government program to combat dangerous labor. According to the Ministry of Labor, in 2001 619,000 women were employed in hazardous jobs, 7.7 percent fewer than in 2000. Many women's rights advocates expressed concern that the law may be used to bar women from the best paying blue-collar jobs. By law pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of 3 years. This benefit is cited as a disincentive for employers to hire women for high-responsibility or career-track jobs. However, according to the UNDP, Ukraine is the only country with an over 50 percent female representation in the workforce.

Few women attain top managerial positions in state and private industry. A March 2000 business survey found that half of private-sector employees were women and that women ran 30 percent of private small businesses and 13 percent each of large and medium businesses. According to government statistics, at the end of 2000, 72.7 percent of the country's approximately 1,825 million civil servants were female, including 52.2 percent of those in managerial positions. However, of the highest "first category" offices, only 8.3 percent were held by women. (These numbers did not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU—which had substantially more male employees at all levels.)

Educational opportunities for women generally continued to be equal to those enjoyed by men; however, the Government limited the number of women who can receive military officer training to only 20 percent of the total number of students accepted. In addition the military forces limited the role of women to certain functions, which limited their chances for promotion and training opportunities; women in the military generally occupied low-paying, routine positions.

Children.—The Government is committed publicly to the defense of children's rights, but budgetary constraints severely limited its ability to ensure these rights. There were few government bodies or NGOs that aggressively promoted children's rights, although the Ombudsman spoke publicly on the need to provide for youth. In May 2001, a law on child protection took effect. It was designed to bring the country into conformity with international standards regarding children's safety and quality of life. In 2002 child and family protection laws were amended with the aim of helping to regulate child-refugee protection and address financial assistance for families in need. However, it was too early at year's end to evaluate the impact of these measures.

Education is free, universal, and compulsory until the age of 15; however, the public education system has deteriorated as a result of the Government's financial disarray. Teachers were paid their salaries during the year, but other monetary benefits due to them were not paid in some localities. Increasing numbers of children from poor families dropped out of school, and illiteracy, which previously was very rare, has become a problem. Of the nearly 6.5 million children attending school during the 2001–02 school year, 3.2 million were girls and 3.3 million were boys. Official statistics on the proportion of school-age children attending school were not available at year's end; however, according to a Ministry of Education sponsored organization, Vseobuch, more than 8,000 school-age children did not attend school. According to statistics released in June by the State Committee for Family and Youth, 10.7 million children younger than 18 years of age, including 456,000 children aged 7 to 17, worked. Of these, 87,000 were in the most vulnerable age group of 7- to 12-year-olds. The All-Ukrainian Committee for the Protection of Children reported that lack of schooling remained a significant problem among the rural population. The problem of growing violence and crime in and outside of schools continued, especially in the notoriously violent vocational schools. The Government has ignored this problem.

Health care was provided equally to girls and boys, but economic problems worsened the overall quality of the health care system.

Child abuse was a problem, although recent statistics on its dimension were unavailable. An October 2000 UNICEF survey found that 38 percent of the children polled had suffered some form of violence. In 1997 the All-Ukrainian Committee for Protection of Children released a survey that revealed that every fifth or sixth child under age 18 of both sexes (including every third girl), suffered from sexual harassment, and that every tenth girl had been raped. Drug use and child prostitution were widespread and received substantial media attention during the year, although statistics were unavailable. Several charity groups were formed to assist these children, but they have not been able to reduce the problem. In 2001 45 individuals were convicted of child rape, and 191 were convicted of seduction of minors. It was too early at year's end to determine whether the new criminal code which took effect in September 2001 had any impact on the number of these cases.

Trafficking in children was a serious problem (*see* Section 6.f.).

The number of homeless children, who usually fled poor orphanages or poor domestic conditions, remained high. According to a 2000 press release from the Ministry of Internal Affairs, 100,000 children were registered as homeless; of those, 14 percent were under 7 years old. According to the Family/Youth Committee, the Government identified 2,600 homeless children during the year. Deteriorating conditions in the state orphanages has led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of private, government-supervised orphanages. There were 75 such orphanages with approximately 800 children.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities; however, the Government did little to support programs designed to increase opportunities for persons with disabilities. Legally mandated levels of employment of such persons at state enterprises were not observed. There were only five special vocational schools for persons with disabilities. As a result, according to one NGO, approximately 7,000 children with disabilities received an incomplete secondary education. Advocacy groups for persons with disabilities maintain that there was societal discrimination against such persons. In an effort to improve public perception of them, the Government made significant efforts to raise the profile of athletes with disabilities participating in international competitions, including the Winter Paralympics in March.

The law mandates access to buildings and other public facilities for persons with disabilities; however, the law was enforced poorly.

National/Racial/Ethnic Minorities.—The frequent harassment of racial minorities was an increasing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of foreigners of European descent were rare (*see* Section 1.d.). Although the authorities disciplined police who engaged in this harassment when incidents were brought to their attention, such behavior remained common. In addition, there were increased reports of racially motivated violence against persons of African and Asian heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma faced considerable societal discrimination. Opinion polls have shown that among all ethnic groups, the level of intolerance is highest toward Roma. Roma continued to be subject to violence and abuse by police (*see* Section 1.c.). On September 11, a fight between local Romani and non-Romani youths in a village near Odesa led to the death of 2 non-Romani boys; villagers subsequently burned as many as 10 Romani homes. Villagers who were interviewed on television claimed that the youths were involved in a drug dispute. Five Romani youth reportedly surrendered to police several weeks after the incident. Local authorities temporarily called in police teams to maintain the peace; however, there were no reports of subsequent violence.

The Constitution provides for the “free development, use, and protection of the Russian language and other minority languages in Ukraine.” This provision expands a 1992 law on national minorities which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages to conduct personal business and by allowing minority groups to establish their own schools. However, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children were disadvantaged when taking academic entrance examinations, since all applicants were required to take a Ukrainian language test. According to official statistics, there were 16,532 Ukrainian schools,

2,215 Russian schools, 97 Romanian schools, 68 Hungarian schools, 9 Moldovan schools, 10 Crimean-Tatar schools, and 3 Polish schools in the country.

Ukrainian and Crimean Tatar minorities credibly complained of discrimination by the ethnic-Russian majority in Crimea and demanded that the Ukrainian and Crimean-Tatar languages be given a status equal to Russian. Crimean Tatar leaders continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean legislature.

The Crimean government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the central government continued to work with the UNDP, OSCE, and the International Organization for Migration (IOM) on support for the Crimean Tatar community. According to the UNHCR, 98 percent of the approximately 260,000 Crimean Tatars who returned to the country from exile in Central Asia have received citizenship. However, Crimean Tatar leaders complained that their community has not received adequate assistance in resettling and that the previously onerous process of acquiring citizenship excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (*see* Section 2.d.).

Romanians continued to call for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi Oblast.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country. Representatives of the Rusyn community have called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country's ethnic groups in the 2001 census. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join trade unions to defend “professional, social and economic interests”; however, while in principle all workers and civil servants (including members of the armed forces) were free to form unions, in practice the Government discouraged certain categories of workers, for example, nuclear power plant employees, from doing so. Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The Law on Citizens’ Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of these organizations, which have the right to establish and join federations on a voluntary basis. There are both official and independent trade unions.

On January 16, amendments to the trade union law took effect. The amendments cancel the requirement that labor unions have specific numbers of members in order to acquire all-Ukrainian status. However, to acquire national status under the amendments a union must either have branches in more than half of the administrative regions, or have branches in more than half of the administrative regions where the enterprises of this sector are located. The amendments also grant labor unions the status of “legal entities,” allowing them to acquire property and open bank accounts without being registered at the Ministry of Justice. The amended law still requires that a union be registered before engaging in collective bargaining or participating in the management of social insurance funds. The Justice Ministry can deny registration if the union does not meet the requirements.

Unlike in previous years, there were no reports during the year that the Ministry had denied registration to unions not loyal to the Government; however, some independent unions, including the Independent Miners Union of Ukraine (NPGU), chose not to register because the courts had declared the requirement unconstitutional. The NPGU reported that management refused to recognize and cooperate with its local affiliates because their national organization was not registered. All unions affiliated with the Federation of Trade Unions (FPU), which maintained strong ties to the Government and inherited assets from the official Soviet unions, as well as 14 independent unions, were registered. The International Labor Organization (ILO) has stated that the labor union law violates ILO Conventions 87 and 98 on the freedom of association, and the Constitutional Court struck down restrictive provisions. Nevertheless, the Rada failed to pass legislation to make the law conform to the ruling. The ILO was working with Rada deputies to draft new labor legislation.

Although the FPU often coordinates its activity with the Government, it continued to work independently of the Government some of the time and advocated workers’ right to strike. The FPU has supported the protests of some professions over unpaid wages; however, most FPU affiliates worked closely with management. Enterprise

managers were free to join the FPU. In 1997 the FPU leadership created a political party, the All-Ukrainian Party of Workers.

Independent unions provided an alternative to the official unions in many sectors of the economy. There were 80 registered trade unions, including 40 traditional (FPU) and 40 new trade unions. The NPGU, unions representing pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and other unions operated either independently or within one of three national confederations. While exact membership is unknown, there were estimated to be 3 million members of non-FPU members and 14.5 million members of FPU-affiliated unions. Independent unions have been denied a share of the former Soviet trade unions' huge property and financial holdings, especially the social insurance benefits funds, a Soviet-era legacy on whose boards FPU-affiliated unions held the majority of seats. Independent trade union leaders also have complained that state representatives sought to influence union votes and pressure members to report on union activities. Independent trade union leaders also reported that they and their family members were subjected regularly to surveillance by law enforcement authorities.

According to additional provisions of the law, management no longer is obligated to provide free accommodations and telephone lines to unions. However, the law gives unions a say in labor safety and in the allotment of newly built public housing. These aspects of the law have not been contested.

There were no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU was a member of the Federation of Chemical, Energy, Mine, and General Workers' Unions.

b. The Right to Organize and Bargain Collectively.—According to the law, joint worker-management commissions should resolve problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. The Law on Collective Bargaining provides the right to collective bargaining; however, overlapping spheres of responsibility frequently impeded the collective bargaining process, and the manner in which the collective bargaining law was applied prejudiced the bargaining process against independent unions and favored the official unions (affiliates of the FPU). Most workers were not informed that they were not obligated to join the official union. Renouncing membership in the official union and joining an independent union could be bureaucratically onerous and typically was discouraged by management. The law provides that an independent union may be removed easily from the collective bargaining process at the enterprise level. Under earlier legislation, if several unions at an enterprise failed to agree on joint representation, the larger union—that is the FPU—represented labor in the bargaining process. Neither the 1999 law nor the January amendments to the Trade Union Law addressed this problem.

The Government, in a negotiation with trade unions in which all unions were invited to participate, established wages in each industrial sector in the form of a General Collective Bargaining Agreement, last signed in April 2001. The Law on Labor Disputes Resolution establishes an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. According to official statistics, the service resolved 263 out of 554 labor disputes during 2001. The collective bargaining law prohibits antiunion discrimination. Under the law, discrimination disputes involving a union that is barred from participating in a collective bargaining agreement should be resolved by the courts. There have been cases in which such disputes were not settled in a fair and equitable manner.

The Constitution provides for the right to strike “to defend one’s economic and social interests” but states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law prohibits strikes that jeopardize life, health, or the environment or that might hinder disaster, accident, or epidemic-related operations. The law does not prohibit specifically strikes based on political demands; however, it prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The law does not extend the right to strike to members of the Procuracy, judiciary, armed forces, security services, law enforcement agencies, and public servants. The law extends the right to strike to employees of “continuing process plants,” for example, metallurgical factories, provided that they give 15 days’ advance notice of their intent to strike. According to the International Confederation of Free Trade Unions (ICFTU) 1999 annual report, the Law on Transportation does not allow strikes in the transport sector. Workers who strike in prohibited sectors can receive imprisonment of up to 3 years.

The Government has relied on prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses.

During 2001 31 enterprises and 6,776 workers took part in strikes. These figures illustrated a significant drop in strike participation from 2000, when an estimated 20,600 workers from 76 enterprises participated in strikes.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; however there were reports that such practices occurred (*see* Section 6.f.). Human rights groups described as compulsory labor the common use of army conscripts in the alternative service for refurbishing and building private houses for army and government officials (*see* Section 1.c.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16; however, in certain nonhazardous industries, enterprises may negotiate with the Government to hire employees as young as 15 with the consent of one parent. Children aged 14 can legally work on a short-term basis in the social sector and agriculture with the consent of one parent. The State Department for Monitoring Enforcement of Labor Legislation within the Ministry of Labor and Social Policy is responsible for enforcing child labor laws and was generally effective; however, some children under the minimum employment age worked in the informal sector. According to research conducted by the Ukrainian Institute of Social Research in cooperation with the ILO, 6.8 percent of children between the ages of 7 and 17 work. In August 2001, an interagency commission released a report on the status of child labor in the country and the Government's steps to minimize it.

The Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation. Children worked in the agricultural sector, although child labor was also a trafficking issue (*see* Section 6.f.). Begging by children existed, although it was limited. On June 20, the press reported that an estimated 400,000 children aged 7 to 17 were working. During the first quarter of the year, police identified almost 1,500 offenders for involvement in child labor, 111 of them for involvement in begging.

e. Acceptable Conditions of Work.—Working conditions and pay levels were affected adversely by the overall poor state of the economy. The minimum monthly wage was approximately \$26 (140 hryvnia) for the first half of the year and \$31 (165 hryvnia) after July 1, and the minimum monthly pension was approximately \$6.37 (34 hryvnia). Monthly pensioners also received a supplementary social benefit of just under \$4 (20 hryvnia). In December the Rada passed and the President signed into law an increase in the minimum wage to approximately \$35 (185 hryvnia), effective January 1, 2003. The minimum wage was enforced in the official economy for employees who worked full time; however, the official subsistence level was set by parliament at approximately \$64 (342 hryvnia) per month. The average monthly salary was approximately \$73 (390 hryvnia); the average wage exceeded the subsistence level for the first time in June. While the Government sector has repaid wage arrears in most areas, in some parts of the country teachers were not paid monetary benefits (back holiday pay and service bonuses) owed to them. As of September 1, back wages to teachers totaled approximately \$840,000 (4.5 million hryvnia); all wage arrears in the economy totaled approximately \$449 million (2.39 billion hryvnia). Wage arrears remained a problem in the private sector (which includes large enterprises in which the State was a shareholder). Official estimates placed arrears at about \$636 million (3.4 billion hryvnia) as of October. The national pension system repaid all arrears during 2000. However, average wages were not as low as these statistics suggest, since the untaxed and unreported shadow economy was estimated to account for 50 percent of total economic activity. Activity in the shadow economy tended to be concentrated in retail trade and services but touched every sector and provided a means for individuals to supplement their often-meager salaries. In rural areas, where reported incomes tended to be the lowest, families subsidized their incomes by growing fruit and vegetables and raising livestock.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example in defense, significantly reduced the workweek for some categories of workers.

The law contains occupational safety and health standards; however, these frequently were ignored in practice. In particular, illegal coal mines connected to organized crime and corrupt leaders operated in unsafe conditions, resulting in scores of deaths. Lax safety standards and aging equipment caused 26,102 serious accidents (down from 30,841 in 2001), resulting in 1,285 deaths (114 fewer than 2001). During the first 11 months of the year, there were 250 deaths in the coal sector, 288 in the agricultural sector, and 106 in construction. In the coal-mining sector,

it was estimated that there had been 5.2 deaths for every million tons of raw coal extracted.

In theory workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, independent trade unionists reported that in reality, asserting this right would result in retaliation or perhaps dismissal by management.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however trafficking in women and girls was a significant problem. The country was a major country of origin and transit for women and girls trafficked abroad for sexual exploitation. There were some reports of men and boys being trafficked abroad primarily for labor purposes; however, the majority of trafficking victims were women. No reliable figures were available on the extent of the problem, and estimates varied widely. There were reports that individual members of government forces facilitated trafficking in persons.

The Criminal Code imposes harsh penalties for trafficking in human beings, including for sexual exploitation and pornography. Article 149 mandates 3 to 15 years in prison for trafficking. Under some circumstances—for example trafficking of children or groups of victims—traffickers can be sentenced to prison terms of up to 10 years. The Government did not routinely prosecute suspected traffickers, although the number of such cases has increased in the last year. According to the IOM, 107 cases were filed against traffickers in the first 8 months of the year, and since 1998, 298 criminal cases have been filed, not counting cases opened under other applicable laws, such as brothel keeping, organized crime, and fraud. In 2001 84 victims testified against traffickers; 202 testified in the first 10 months of the year. A total of 52 cases have resulted in prosecution since 1998, 12 of which have fully concluded and 40 awaited appeal or final sentencing. Sentences for those convicted of trafficking ranged from fines to up to 9 years in prison. The Government reported that it regularly reviewed the licenses of Ukrainian employment agencies, and suspended the licenses of 69 travel, marriage, and job agencies between January 2001 and June 2002 for involvement in trafficking.

Trafficking was becoming a higher priority for law enforcement agencies, but these agencies often lacked the financial and personnel resources to combat well-established criminal organizations that ran trafficking operations. The Ministry of Internal Affairs established special antitrafficking units at the national and oblast levels. These units became operational in 2000; however, they have had a limited impact. They suffered from lack of adequate resources and often were tasked to work on cases involving other crimes.

The Government generally cooperated with other governments in the investigation and prosecution of trafficking cases; however, efforts were hampered by a number of factors, including insufficient investigative resources, the reluctance of victims to give evidence against traffickers, and in some cases, by a lack of cooperation from officials in destination countries. The law permits the extradition of foreign nationals charged with trafficking when appropriate bilateral agreements with the country in question have been signed, when the crime was committed within the jurisdiction of another country, and when trafficking is a crime under the laws of the requesting country; however, there have been no cases of extradition of trafficking suspects. The Constitution prohibits the extradition of Ukrainian citizens. Government cooperation with NGOs improved during the year. A June 5 decree by the Cabinet of Ministers mandated that central, regional, and local administrations develop and approve measures to combat trafficking in persons and mobilize funds to implement actions. The oblast governments responded quickly to the decree. For the first time, almost all the local and regional authorities included NGOs as partner organizations in their regional action plans. The relevant authorities, however, had yet to budget for any new activities.

Between January 2000 and August 2002, the IOM assisted 582 trafficking victims (including 286 during the first 11 months of the year) to return to Ukraine and reintegrate into society. From January 2001 to June 2002, the NGO La Strada assisted an additional 172 victims to return home and reintegrate. These numbers, however, represented a small fraction of the total number of women trafficked abroad. The IOM estimated in 1998 that 100,000 citizens had been trafficked abroad since 1991. In 1999 La Strada estimated that 420,000 women had been trafficked abroad between 1991 and 1998. In unofficial estimates, Winrock representatives conservatively projected that between 8,000 and 10,000 individuals were trafficked from Ukraine during the year. There were unconfirmed reports that local officials abetted or assisted organized crime groups involved in trafficking.

Women and girls were trafficked to Central and Western Europe (including the Balkans, Austria, Italy, France, Germany, Switzerland, the Czech Republic, Hungary, Portugal, Spain, Poland, Greece, and Turkey), the United States, and the Mid-

dle East (including Israel, Lebanon, and the United Arab Emirates) for sexual exploitation; there also were reports that women and girls were trafficked from the country to Australia, Japan, and South Africa. Women who were trafficked out of the country often were recruited by firms operating abroad and subsequently were taken out of the country with legal documentation. They were solicited with promises of work as waitresses, dancers, or housemaids or were invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad the women found the work to be very different from what was represented to them initially. There were credible reports of widespread involvement of organized crime in trafficking.

NGOs reported that local militia and border guards received bribes in return for ignoring trafficking. Some reports alleged that local public officials abetted or assisted organized criminal groups in trafficking women abroad. In a 1999 report, the UNDP identified graft of officials and political corruption as two of the factors causing the spread of trafficking and prostitution; however, data on the possible prosecution of law enforcement and border control authorities for their involvement in trafficking was unavailable.

Victims often were reluctant to seek legal action against traffickers out of fear of reprisals or unwillingness to tell their stories publicly. Societal attitudes toward trafficking victims often were harsh, which deterred women from pursuing legal action against traffickers. In addition, law enforcement officials did not provide sufficient protection to witnesses to encourage them to testify against traffickers, and traffickers were able to intimidate victims to withdraw or change their testimony. A witness protection law exists but was in abeyance because of lack of funding. Under the law, names and addresses of victims of crimes can be kept confidential if they request protection due to fear for their lives.

The Government was unable to assist victims effectively, primarily due to lack of funds. NGOs such as the domestic affiliates of La Strada and Winrock International offered some support services for victims of trafficking, but these groups also suffered from a shortage of funds. The IOM's Kiev mission, in cooperation with its missions in destination countries, began providing return and reintegration assistance to victims. The IOM and NGOs, particularly La Strada and Winrock International, worked closely with government officials; however, NGOs reported that lack of a central government authority on trafficking issues could be frustrating, and the Government did not provide assistance to victims. With foreign government assistance, seven regional trafficking prevention and women's support centers were in operation at year's end in Donetsk, Lviv, Dnipropetrovsk, Chernivtsi, Kherson, Rivne, and Zhytomyr. The centers offered job-skill training and telephone hot lines and served as referral centers for health, legal, and psychological counseling. On February 8, the IOM opened a comprehensive medical center and shelter for victims of trafficking. Between February and August, the center provided medical and psychological services, including vocational counseling, to 88 trafficking victims. These centers, as well as additional NGOs funded by the IOM, also played an important role in facilitating good relations and cooperation between victims, communities, and law enforcement organizations in addressing trafficking issues. NGOs also operated hot lines in Luhansk, Odesa, Kharkiv, Ternopil, and Sevastopol. During the year, La Strada hot lines received 4,061 calls, 72 percent of which concerned consultation on working abroad. Since November 1997, La Strada has received over 12,526 calls. Winrock International reported 16,854 calls to its hot lines during the year; 15 percent concerned trafficking, and the majority of the callers were between 19 and 30 years of age. The Government worked to improve assistance provided by its diplomatic missions to victims in destination countries.

The Deputy Prime Minister for humanitarian affairs is responsible for implementing all antitrafficking programs. In 1999 the Human Rights Ombudsman established a National Coordinating Council for the Prevention of Trafficking in Human Beings, and the organization increasingly has become an outspoken and leading advocate in the Government for raising public and international awareness of the trafficking problem; however, the Ombudsman's office lacked enforcement powers and has not demonstrated its practical effectiveness (see Section 4). A National Action Plan to Counter Trafficking for 2002-05 was approved by the Cabinet of Ministers on June 5. In 1999 the Ministry of Education adopted a curriculum in trafficking as part of the first national program on trafficking prevention and awareness in high schools.

During the year, several television stations broadcast documentary films and informational programs highlighting the danger of trafficking. During the year, there were several international roundtable discussions and a major conference on trafficking held in Kiev.

NGOs conducted general awareness campaigns throughout Ukraine, often in cooperation with government entities. For example, an international conference on trafficking took place in Kiev in October. Winrock also produced and showed a film documentary on trafficking. These activities, together with the constant attention to the trafficking problem by the Ombudsman, helped to raise public awareness.

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. Some central government powers have been devolved to locally elected bodies in Wales, Scotland, and Northern Ireland. In Northern Ireland, the 1998 Good Friday Agreement established local government institutions, including a legislative assembly and a power-sharing executive. The judiciary is independent.

Civilian officials maintained effective control of the police forces. In Great Britain, regional police forces were responsible for maintaining law and order; in Northern Ireland, the Police Service of Northern Ireland (PSNI) was responsible for maintaining law and order. In some areas of Northern Ireland, because of the continuing threat of violence, army units operated to reinforce the PSNI. There were approximately 14,000 British troops stationed in Northern Ireland, among the lowest number since the early 1970's. There were some complaints that individual members of the police committed some human rights abuses.

A highly developed, diversified, market-based economy with extensive social welfare services provides most of the country's 58.8 million residents with a high standard of living.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provided effective means of dealing with individual instances of abuse. There were some complaints that individual members of the police and military occasionally abused detainees and some other persons. Prison conditions remained a problem, including instances of mistreatment by prison officials and overcrowding. There were occasional cases of societal violence and discrimination against women, ethnic minorities and asylum seekers, which the Government continued to combat. Trafficking in persons remained a problem, which the Government took steps to address. The United Kingdom was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Although many paramilitary organizations in Northern Ireland continued to maintain a cease-fire in accordance with the Good Friday Agreement, punishment attacks have continued to occur in areas under the influence of these groups, and some dissident groups committed acts of violence, including killings, aimed at disrupting the peace process.

On October 14, the Northern Ireland Assembly and Executive were suspended and the Government temporarily re-instituted direct rule headed by the Secretary of State for Northern Ireland and four ministers. The Government reiterated its commitment to the Good Friday Agreement and continued to work towards its implementation, including reestablishment of the Assembly and Executive in Northern Ireland.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents.

According to the Annual Report of the Police Complaints Authority (PCA), there were 36 deaths in police care or custody during the 12 months ending in March, compared with 32 in 2000–2001. The PCA reported that 10 of the deaths occurred because of natural causes, 20 were due to alcohol or drugs, 4 were suicides, and 2 due to other causes, specifically persons who fell from a window. The Home Office and the Police Complaints Authority have initiated a range of actions aimed to eliminate such deaths, including safer custody facilities, improved training, CCTV monitoring, piloting new technologies, and emphasis on better care, assessment and monitoring of detainees.

In May three detectives faced disciplinary action over their investigation into the 1999 death of Roger Sylvester. In 2000 the Crown Prosecution Service (CPS) ruled that there was insufficient evidence for a criminal trial; however, a coroner's inquest is scheduled to begin in 2003.

On June 21, the jury of the coroner's inquest returned an open verdict to the 1999 police shooting of Harry Stanley after the CPS ruled in 2000 that there was insufficient evidence for a criminal trial. The family's appeal of the verdict was ongoing at year's end.

There also were a number of deaths in prison due to suicide and natural causes (see Section 1.c.). The inquest into the 1996 death while in prison of Jim McDonnell remained ongoing at year's end.

In May the UK and Irish governments appointed the Honorable Judge Peter Cory to "establish the facts and report with further recommendations" regarding allegations of past state involvement, collusion or culpability in six Northern Ireland and Republic of Ireland cases of killings of: Pat Finucane in 1989, Billy Wright in 1997, Robert Hamill in 1997, Rosemary Nelson, Lord Justice and Lady Gibson in 1987, and police officers Harry Breen and Bob Buchanan in 1989. The Government pledged to conduct a public inquiry into any of these cases if so recommended by the judge.

Hearings continued in the judicial inquiry into the events in Northern Ireland on January 30, 1972—"Bloody Sunday"—when 13 unarmed civil rights demonstrators in Londonderry were killed by British soldiers but for which no member of the security forces were held accountable.

The NGO British Irish Rights Watch reported that paramilitary groups were believed to be responsible for at least 13 killings in Northern Ireland.

In January police charged Colm Murphy with aiding and abetting the 1998 bombing in Omagh. He was serving a 14-year jail sentence after being found guilty of conspiring to cause an explosion. In July five men, including Colm Murphy, were served with civil writs for compensation by some of the Omagh victims. In August some of the Omagh victims initiated actions for compensation against the Secretary of State for Northern Ireland and the PSNI for failing to prevent the bombing. Family members of the victims criticized Sinn Fein, a legal political party linked with the IRA, for refusing to assist in the police investigation; they were pursuing a civil suit against the RIRA at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

The British and Irish governments in 1999 jointly established the Commission for the Location of Victims' Remains to locate the remains of nine victims of IRA paramilitary violence from the 1970s. It located the remains of three persons in 1999, suspended its work in 2000 pending the receipt of additional information from the IRA, and resumed the search for the body of Charles Armstrong in May. This search was abandoned 3 weeks later due to the exhaustion of available information. No more bodies have been found.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were complaints that individual members of the police and army occasionally abused detainees. Human rights organizations maintain that such abuse, while not widespread, was a matter of serious concern (see Section 1.a.).

Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

The Independent Assessor of Military Complaints coordinates investigations into complaints of abuses committed by the Army in Northern Ireland. Its June 19 report cited a 21.5 percent drop from the previous year in the number of complaints received.

Human rights groups continued to call for an end to the use of plastic bullets, which were used by the police and military in Northern Ireland to quell civil disturbances. The police have introduced safeguards on the use of plastic bullets and the Police Ombudsman reviewed every instance when the police fired a plastic bullet. Between April 2001 and March, the Police Ombudsman produced seven reports on incidents relating to the discharge of plastic bullets by police officers. In each incident, investigators concluded that the discharge was justified and proportionate. The firing by soldiers acting in support of the police did not come under the Ombudsman's jurisdiction. No deaths occurred as a result of plastic bullets.

Reports by official bodies and NGOs have suggested that the public lacked confidence in existing procedures for making complaints against the police, with more complainants taking their cases directly to the civil courts. There were 7,148 complaints filed with the PCA from April 2001 through March, 732 fewer complaints than filed in the previous period. Almost one-quarter of the cases reviewed by the PCA between April 2001 and March resulted in some form of disciplinary or legal action.

In June the Government passed the Police Reform Act, which among other things replaces the PCA with the Independent Police Complaints Commission (IPCC). The legislation grants the IPCC its own body of investigators with the powers to investigate matters of police misconduct completely separately from the police. The IPCC allows for greater involvement of the complainant in the investigation; greater openness in disclosing materials to the complainant; more effective powers to direct that disciplinary charges be laid against police officers; and greater independence of the person carrying out the IPCC investigation. All deaths in police custody will be referred to the IPCC. The Act also provides for a National Policing Plan to set priorities for policing and measures to ensure the most effective methods are used by all police forces.

The armed forces have a procedure to handle complaints of harassment, racial and otherwise. Service personnel also have the right to submit complaints to employment tribunals. In 1998 the services entered into a 5-year partnership agreement with the Commission on Racial Equality (CRE) to promote racial equality practices. On September 16, the Crown Prosecution Service entered into a partnership with the CRE designed to assist in its continued progress towards the elimination of racial discrimination.

The Police Ombudsman for Northern Ireland, who has an independent staff, has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the PSNI chief constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The Ombudsman is required to investigate cases involving death or serious injury where there may have been police involvement and may investigate all other cases of complaints against the police. The Ombudsman may recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The Ombudsman can direct the Chief Constable to take disciplinary action against police officers.

Between November 2000 and March 31, the Ombudsman received 6,341 complaints, approximately two-thirds of which concerned oppressive behavior or incivility by the police. As of March 31, 1,794 cases were resolved, 64 of which resulted in disciplinary action or criminal charges.

Parliament enacted legislation implementing the 1999 Patten Report on Policing in Northern Ireland in November 2000. The law imposed hiring quotas to increase Catholic representation in the PSNI and introduced new human rights standards and wider use of community policing practices. Respect for human rights is part of the appraisal process for staff evaluation. In September Hugh Orde was appointed the new Chief Constable of the PSNI. A cross-community Policing Board, with a majority elected membership, holds the Chief Constable and police service accountable. Sinn Fein has refused to participate and has declined to encourage Catholics to join the police, as called for in the Patten Report. In May and September reports, the Oversight Commissioner charged with reviewing the Patten reforms criticized the delay in integrating Special Branch and Crime Branch and the lack of progress in establishing District Policing Partnerships and a new police training college. The Commissioner also noted areas of progress, including the March release of the first Policing Plan by the Policing Board, the January endorsement by the Police Board of the Police Service's strategic plan for community policing, the progress of the Police Service's Analysis Center, and the April 5 signing of the Inter-Governmental Agreement by the British and Irish governments.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out "punishment" attacks on individuals who lived in areas under paramilitary influence. The attackers have used iron pipes, baseball bats, sledgehammers, and spiked clubs to beat their victims or shot them in the knees and legs. The attacks often were intended to maintain or extend the control of paramilitary groups in a given region. The Northern Ireland Human Rights Commission reported that between April 2001 and March 2002, there were 302 "punishment" attacks, compared with 323 in the previous year. Of these, 190 were paramilitary-style shootings and 112 were beatings, with loyalists suspected of responsibility in nearly two-thirds of the cases. Human rights groups stated that available statistics underreported the true number of casualties because many of the individuals were too intimidated to report paramilitary punishment attacks.

On September 29, Danny McBrearty was bludgeoned and shot three times in Londonderry/Derry, which police have attributed to the PIRA (*see* Section 2.d.). On October 15, police arrested a person in connection with the shooting.

Immigrants and asylum seekers were subject to some societal violence and attacks during the year (*see* Section 5).

Prison conditions generally met international standards; however, instances of mistreatment by prison officials, overcrowding, and suicides occurred. A September

17 report by the Prison Reform Trust warned that prisons in England and Wales suffered from an overcrowding crisis which threatened prison safety, leading to prisoners being held in inhumane and degrading conditions. The Prison Service attempted to correct the problems of overcrowding and poor facilities by providing funding for 2,320 new places. The prison population in England and Wales increased slightly over the previous year from 66,049 inmates to 72,660.

On October 23, approximately 150 inmates at Lincoln Prison rioted for 8 hours, set a wing of the prison on fire, and destroyed approximately 200 bed spaces. A group of prisoners attacked a guard, stole his keys and released fellow inmates from their cells to set off the riot. Hundreds of inmates were subsequently transferred to other prisons due to the lost space. The Prison Officers' Association stated that severe overcrowding and insufficient staffing levels had caused friction at the prison.

On March 27, an appeals court ruled that a public inquiry into the racially motivated killing of Zahid Mubarek while in prison in 2000 was not warranted. Since the cause of death had been established by the conviction of cellmate Robin Stewart for the murder, the court stated that there was no basis for prosecuting any member of the prison service.

In June Amnesty International (AI) reported authorities were not sufficiently protecting the human rights of incarcerated minors with respect to inter-prisoner violence, suicides, investigations into deaths in prison, abuse, segregation, and prison conditions and called for a public inquiry to examine these issues.

On March 14, the European Court of Human Rights ruled that the Government had breached the European Convention on Human Rights on four counts relating to the 1994 death of Christopher Edwards who was beaten to death by his cellmate; both were diagnosed as mentally ill. On May 28, the Court concluded that the Government had violated Dermot McShane's right to life as a result of its failure to ensure an effective investigation into his 1996 death in Londonderry/Derry.

On August 28, the Howard League for Penal Reform stated that 64 percent of jails were overcrowded. In February the new Chief Inspector of Prisons reported on abusive conditions in Dartmoor prison, where inspectors said nearly a quarter of the 700 inmates reported being verbally abused by staff.

The Howard League for Penal Reform reported that 94 persons committed suicide in prisons in England and Wales, an increase of 29 percent from 2001. In June Mark Fulton, a key suspect in the murder of lawyer Rosemary Nelson, was found strangled by his own belt in his cell.

Human rights groups have been particularly critical of Special Security Units (SSUs), which were used to hold prisoners deemed to pose an exceptional risk of escape. Human rights monitors have criticized small group isolation; the lack of adequate exercise, work, educational opportunities, and natural daylight; and the strict enforcement of noncontact visits through a glass barrier. At year's end, there was only one SSU in operation, holding a small number of prisoners. Prisoners held in the SSU were provided with all the facilities required under Prison Rules, although those facilities were delivered within the Unit and not in the main part of the prison. The SSU was also subject to independent inspection by HM Chief Inspector of Prisons.

The number of female prisoners continued to rise. Implementing the recommendations of a 1999 report by its women's policy group, the Prison Service adopted new procedures governing admission to mother and baby units and standards for their management. There were four Mother and Baby units in England, which provided 64 places for mothers to keep their children with them while in prison.

After April 30, the Government stopped the routine use of prisons to hold immigration detainees. People held solely under immigration legislation were accommodated in Immigration Service Removal Centers under Detention Center rules, unless they had completed a sentence of 12 months or more in a British prison or were held for reasons of security and control.

In the prison system, women were held separately from men, juveniles from adults, and pretrial detainees from convicted prisoners.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Office, respectively. The Government permitted independent human rights observers to visit prisons and immigration detention centers. An April report by the Council of Europe's Committee for the Prevention of Torture (CPT) found during its February 2001 visit that the three basic safeguards against ill-treatment of persons detained by the police advocated by the CPT on the whole operated in a satisfactory manner. The report also found that conditions of detention continued to be satisfactory in police stations in the London region, but recommended that authorities review these conditions in Wales.

NGOs reported complaints from prisoners in Maghaberry jail concerning their personal safety. Prisoners reported death threats and assaults by members of opposing factions. NGOs called for greater provisions to protect the prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest or detention, and the Government generally observed these prohibitions; however, arrests may be made without judicial warrants, particularly in Northern Ireland, when police have reasonable cause to suspect wrongdoing, and antiterrorism legislation gives authorities broad powers of arrest, detention, and interrogation.

The law allows police officers to stop and search vehicles and pedestrians if a police officer of at least superintendent rank (or a chief inspector if no superintendent is available) “reasonably believes” it is expedient to do so to prevent acts of violence. The authorization is limited to a 24-hour period but is renewable under certain circumstances. Under the law, suspects arrested without warrants must be released within 24 hours (or 36 hours if a serious offense is involved) unless brought before a magistrates’ court or arrested under Terrorism Act provisions. The court may authorize the extension of detention by 36 hours and on further application by another 24 hours.

The 2000 Terrorism Act entered into force in February 2001. The act widens the definition of terrorism and reforms mechanisms and powers that deal with terrorism relating to Northern Ireland and extends them to all forms of domestic and foreign terrorism in the United Kingdom. It also provides for special emergency powers applicable to Northern Ireland for a period of up to 5 years. These powers include special entry, arrest, search, and seizure authority without a warrant under certain circumstances. In February the Home Office issued the “Secure Borders, Safe Haven” White Paper and, on November 7, the Nationality, Immigration, and Asylum Act was passed. The Act reformed the asylum system by establishing a system of induction, accommodation, and removal centers to expedite the process and reduce abuses. On October 4, the NGO Asylum Coalition condemned the bill for its plans to educated asylum-seeking children in accommodation centers rather than in local schools.

While there is no law prohibiting forced exile, the Government did not employ it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. There are several levels of courts. Most criminal cases are heard by magistrates’ courts, which are managed by locally based committees. Their decisions may be appealed to the Crown Courts, which also hear criminal cases requiring a jury trial, or to the High Courts. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and was functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission operates as an additional appellate body in England, Wales, and Northern Ireland. It considers cases after the judicial appeals process are exhausted and where there is significant new evidence that casts doubt on the conviction. In Scotland similar appeals may be made to the Scottish Office.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right of appeal to successively higher courts. Indigent defendants have the right to free counsel of their choice, with some exceptions. UNHCR reported that the right of asylum seekers to free legal advice was severely limited by a shortage of competent legal advice in the regions and of funding for such advice elsewhere.

Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

The law empowers judges to instruct juries that they may draw an inference of guilt from a defendant’s refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee have criticized this provision, which they considered an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland, but the law prohibits the drawing of an inference from silence when a suspect is questioned before being permitted access to an attorney. The European Court of Human Rights had ruled that, taken in isolation, drawing inferences from silence did not contravene the accused’s right to a fair trial guaranteed by Article 6 of the European Convention on Human Rights and Fundamental Freedoms. However, the Court decided that the possibility of inferences being drawn from the silence of an accused while he was denied access to legal advice constituted a breach of the requirement for a fair trial under Article 6.

A small percentage of defendants faced lengthy pretrial detention (*see* Section 1.d.). The Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The 1996 Criminal Procedures and Investigations Act reduced defense lawyers' access to potential evidence held by the prosecution, including information as to how the evidence was collected.

Under the 2000 Terrorism Act, the opinion of a senior police officer that an individual is a member of terrorist organization is admissible as evidence in criminal proceedings, but a person cannot be charged or convicted solely on this basis. The provision is a temporary measure for Northern Ireland, requires annual renewal, and has not been used to date (*see* Section 2.b.).

In Northern Ireland, trials for certain terrorist-related offenses are conducted automatically as "scheduled cases," also referred to as "Diplock cases," without a jury unless they specifically are "scheduled out" to ordinary jury courts. If judges decide to convict, they must justify the decision in a document that becomes part of the court record. An appellate court may overturn the decision on either factual or legal grounds. From January 1 through October 31, 75 persons were tried as "scheduled cases," of whom 32 either pled or were found guilty. A person convicted in a "scheduled case" has an automatic right of appeal. The Government's continued reliance on "scheduled cases" has been criticized widely by human rights groups. In July the Government repealed section 76 of the Terrorism Act, which meant that the standard for admissibility of confession in the "scheduled cases" is now the same as that in ordinary criminal courts.

The PSNI introduced a Police Order regulating the relationship between police officers and defense lawyers. The NGO British Irish Rights Watch stated that some NGOs had reported that threats against lawyers had ceased due to new interview procedures, but that in non-interview situations some lawyers continued to receive threats.

In response to the 2000 Northern Ireland Criminal Justice Review, the Government introduced draft legislation in December 2001 to implement the recommendations. Some NGOs criticized the Bill and implementation plan as weak, especially in relation to prosecutions and judicial appointments.

The Human Rights Act requires all public bodies to act in a manner compatible with the European Convention on Human Rights. The law provides citizens with the right to take alleged violations of the convention by a public authority into British courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Warrants normally were required for a police search of private premises. A police officer may enter and search without a warrant "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensates persons whose houses or property are damaged during house searches. Police stop minorities for searches more often than whites (*see* Section 5).

Under the Regulation of Investigatory Powers Act (RIPA) the Government may monitor the content of private electronic communications after obtaining a warrant. Law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. Businesses may monitor the electronic communications of employees.

Three NGOs, British Irish Rights Watch, Liberty, and Irish Council for Civil Liberties, took a case to the European Court of Human Rights, stating the Government had intercepted their telephone calls to clients in Ireland without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to secure freedom of speech and of the press. Viewpoints critical of the Government were well represented.

Press organizations and human rights groups continued to criticize 1981 legislation that allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice and 1984 legislation that compels journalists to give evidence in cases where police can prove it is necessary to their investigation. Journalists cited the Official Secrets Act as unduly restrictive by prohibiting the legal defense that the information provided by a source is already in the public domain or that its publication is in the public interest.

The print media was dominated by more than a dozen national daily and Sunday newspapers, all privately owned and independent (although often generally aligned with a political party). Approximately one-half of the electronic media was run by the BBC, which was funded by the Government but enjoyed editorial independence. Corporations under renewable government licenses operated the remainder.

The investigation into the 2001 drive-by shooting in Northern Ireland of journalist Martin O'Hagen continued at year's end.

The 2000 Freedom of Information Act (FIA) is scheduled to be implemented by November 2005. The FIA would provide the public with access to information held by the Government. Critics charge that the FIA exempts too much information from disclosure on the grounds that the public interest in withholding it outweighs the benefit of its disclosure.

The Government did not restrict Internet access. In May the Government launched a task force to combat pedophilia on the Internet (*see* Section 5).

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly; however, the Government may limit that right if it would impose a cost on public convenience.

In Northern Ireland, the annual “marching season” poses problems as local residents in some Catholic communities perceive the parades as threatening and provocative. The Public Processions (Northern Ireland) Act grants responsibility for ruling on “contentious” marches to a Parades Commission. The Commission may not ban marches, only impose conditions on them, such as route restrictions. Of the 3,301 notified parades held between April 2001 and March 2002, 220 were considered contentious; the Parades Commission imposed restrictions on 152. Some parades by the “Loyal Institutions” (the Royal Black Preceptory, Orange Order, and Apprentice Boys), whose membership is almost exclusively Protestant, have been prevented from passing through nationalist areas because of public order concerns.

The law provides for freedom of association, and the Government generally respected this right in practice. However, under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years' imprisonment, to belong to or profess to belong to a terrorist organization proscribed by the Home Secretary. Individuals also were subject to prosecution for supporting or inviting support for a proscribed terrorist organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. The Act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels strives to protect this right in full and does not tolerate its abuse, either by governmental or private actors.

There were two established churches: The Church of England (Anglican) and the Church of Scotland (Presbyterian). Other than in the House of Lords, membership in a given religious group does not confer a political or economic advantage.

The Government did not recognize Scientology as a religion for the purposes of charity law. Scientology ministers were not considered ministers of religion for the purpose of immigration relations or facilitating prison visits. However, prisoners were free to register their adherence to Scientology; this is reflected on their records.

The law requires religious education in publicly maintained schools throughout the country. The shape and content of religious instruction is decided on a local basis and must be nondenominational and refrain from attempting to convert pupils. All parents have the right to withdraw a child from religious education, but the schools must approve this request.

In addition, schools have to provide a daily act of collective worship. This requirement may be waived if a school's administration deems it inappropriate for some or all of the students. Under some circumstances, non-Christian worship may be allowed. Teachers' organizations have criticized school prayer and called for a government review of the practice.

While the majority of state-supported schools were Anglican or Catholic, there were a small number of Methodist, Muslim, and Jewish schools.

During the year, there were isolated attacks against Muslims. The Government condemned the violence, and “religiously aggravated offenses” is part of the Anti-Terrorism, Crime, and Security Act 2001.

According to the Community Security Trust, there were 350 anti-Semitic incidents reported, including at least 47 assaults. Public manifestations of anti-Semitism were

confined largely to the political or religious fringes. At the end of April, suspected neo-Nazis desecrated a synagogue in the Finsbury Park area of north London, leaving windows smashed, religious artifacts defaced, and crude swastikas painted everywhere; two senior Labor and Conservative politicians united "to condemn those who daubed swastikas and smashed windows in a north London synagogue."

The Human Rights Act prohibits discrimination on the basis of religion by public authorities. In Northern Ireland, the Fair Employment Act specifically bans employment discrimination on the grounds of religious beliefs. All public sector employers and all private firms with more than 10 workers must report annually to the Equality Commission on the religious composition of their work force and must review their employment practices every three years. Noncompliance may bring criminal penalties and the loss of government contracts. Unemployment in Northern Ireland registered 5.7 percent in November, continuing the relatively low level of unemployment since 1997. The Catholic unemployment rate was approximately 3½ percentage points higher than the rate for Protestants, down from the approximately 9 percentage point difference in 1992. Victims of employment discrimination may sue for damages.

The 1998 Good Friday Agreement aimed to create a lasting settlement to the conflict in Northern Ireland and a society based on equality of opportunity and human rights. However, the fear of intercommunal violence has, over the years, led to a pattern of segregated communities in Northern Ireland. Many Protestant and Catholic families have moved away from mixed or border neighborhoods.

The police in Northern Ireland reported approximately 30 attacks against both Catholic and Protestant churches, schools, and meeting halls in 2001. Such sectarian violence often coincided with heightened tensions during the spring and summer marching season (see Section 2.b.).

Protests in the predominantly Protestant Glenbryn area of north Belfast against Catholic pupils of Holy Cross primary school continued sporadically. Protests also occurred in other interface areas dividing predominantly Protestant and predominantly Catholic areas in North Belfast and in Short Strand. Residents complained of curfews and uneven policing.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Citizens enjoyed freedom of movement within the country, foreign travel, emigration, and repatriation.

Paramilitary organizations in Northern Ireland continued to threaten individuals and families to compel them to leave the Province. In one such case, the family of Joseph McCloskey remained in exile in England after a PIRA death threat in 2001 (see Section 1.a.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The law provides for first asylum.

Applicants may apply for asylum or refugee status upon arrival or after entering the country. The law permits all asylum seekers to remain temporarily in the country at least until immigration authorities consider their application and, if they are refused asylum, until their rights of appeal are exhausted. Some asylum seekers were detained while the Government reviewed their cases; the Government dispersed detainees throughout the country, in housing estates or government facilities (see Sections 1.c. and 1.d.).

From January to September, the Government acted on 125,625 initial asylum applications, granting asylum in 6,025 cases. The Government refused asylum in an additional 15,805 cases but granted those applicants "exceptional leave to remain." At the end of September, 37,200 asylum cases were outstanding. During the first quarter of the year, asylum statistics showed that initial decisions were being made more quickly and that the backlog had fallen to its lowest level in over a decade.

In 2000 the Government issued guidelines for use by the courts in considering asylum claims by women. Judges were urged to consider situations more likely to be faced by female asylum applicants, including female genital mutilation and trafficking (see Sections 5 and 6.f.).

The treatment of asylum seekers was the subject of considerable media attention and political debate during the year (see Section 1.d.). On August 6, police closed the forensic investigation into the February 14 fire and mass breakout at Yarl's Wood detention center. Police and archaeologists reported it was highly improbable that anyone had died in the fire as no human remains were found. Fourteen of the 40-plus detainees who escaped remained at large at year's end. The center remained

closed, and 13 people were arrested and charged with violent disorder and arson. On August 28, Tayman Bahmani, an Iranian asylum seeker, was stabbed to death in Sunderland.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully and freely exercised that right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The lower chamber of Parliament, the House of Commons—the center of legislative power—is elected in periodic, multiparty elections. The upper chamber, the House of Lords, has the power to revise and delay but not block the implementation of laws; it is made up of approximately 500 appointed life peers, 92 hereditary peers and 26 senior clergy of the established Church of England.

The Government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. Institutions such as the Northern Ireland Assembly, the Scottish Parliament, and the Welsh Assembly have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continued to be the responsibility of the central government. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have county councils.

On October 14, the Northern Ireland Assembly and Executive were suspended. The suspension came in the wake of October 4 raids on homes belonging to Sinn Fein members and a Sinn Fein office at the seat of Northern Ireland's devolved government, the Parliament Building. The raids were prompted by an alleged Sinn Fein/IRA spy operation inside the Northern Ireland Office in Belfast. The Government temporarily re-instituted direct rule headed by the Secretary of State for Northern Ireland and four ministers. The Government reiterated its commitment to the Good Friday Agreement and continued to work towards its implementation, including reestablishment of the Assembly and Executive in Northern Ireland.

The small number of remaining overseas British territories have an aggregate population of approximately 190,000. They enjoy varying degrees of self-government based on the British model, with appointed governors.

Women did not face any legal constraints on voting or holding office. Women constituted 18 percent of the members of the House of Commons and approximately 15 percent of those in the House of Lords. In January the Government's Women and Equality Unit began a campaign, including a regional seminar series, to increase the number of women holding public appointments at the national level. Twelve members of Parliament have identified themselves as members of minority ethnic groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Proceedings under the Human Rights Act—which incorporated the provisions of the European Convention on Human Rights into domestic law—may be brought only by victims of a breach of convention rights by a public authority. The Home Office has a human rights unit with responsibility for human rights policy and legislation. NGOs have criticized the Government for its failure to create a government-wide Human Rights Commission. In Northern Ireland, a Human Rights Commission was established as an outcome of the peace process to provide legal advice and assistance to citizens. The Commission was consulting on a bill of rights specific to Northern Ireland, pursuant to the Good Friday Agreement, which also mandated wide-ranging reforms in policing and criminal justice. Recommendations on a bill are scheduled for 2003. Two members of the Commission resigned in September, citing the Government's failure to provide adequate resources to the Commission. While cases still may be taken to the European Court of Human Rights, all domestic remedies under the Human Rights Act must be exhausted first.

A number of international human rights NGOs, including AI and Human Rights Watch, were based in the country. The Government cooperated fully with international inquiries into alleged violations of human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The 1976 Race Relations Act prohibits incitement to racial hatred and discrimination on the basis of race, color, nationality, or national or ethnic origin; some groups continued to experience official and societal discrimination.

The Human Rights Act prohibits discrimination on the basis of religion by public authorities. In Northern Ireland the Fair Employment Act specifically banned employment discrimination on the grounds of religious beliefs. The 1998 Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Northern Ireland Equality Commission oversees antidiscrimination policy. Section 75 of the Northern Ireland Act 1998 places all public authorities under a duty to promote equality of opportunity.

Women.—Violence against women continued to be a problem. According to Home Office statistics, from May 2001 to April 2002, there were 9,743 rapes and 21,765 indecent assaults. The report stated that sexual offenses were significantly underreported.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence are substantial, and these laws were enforced strictly; however, conviction rates for rape tended to be lower than for other crimes. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provided shelters, counseling, and other assistance for battery or rape and offered free legal aid to battered women who were economically reliant on their abusers. The law prohibits defendants themselves from conducting cross-examinations of complainants in rape and sexual offense trials. In 2001 the Government placed restrictions on the admissibility into evidence of a complainant's previous sexual history. Female genital mutilation is illegal but was practiced by immigrant populations from countries in which the practice is common. The extent to which the procedure was used is unknown, but the Government continued to work to eradicate it.

Trafficking in women remained a problem (*see* Section 6.f.).

No law specifically prohibits sexual harassment; criminal action for sexual harassment cases must be prosecuted under assault legislation. Women's groups have complained that civil suits concerning sexual harassment and discrimination on the basis of gender at times take up to 3½ years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes, but women experienced some discrimination in practice. The law prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. The Government's Equal Opportunities Commission supports persons who bring discrimination cases before industrial tribunals and courts and produces guidelines for employers. The Government's Women and Equality Unit reported that women's hourly earnings are lower than men's, \$12.70 (8.21 pounds) and \$16.45 (10.63 pounds), respectively. In the Government, women's issues were represented at the cabinet level by the Minister for Women, who heads up the Women and Equality Unit, which engaged in dialog with women and advised the Government but had no authority for direct action.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and medical care. The Government provided free, compulsory education until age 16 and further free education until age 18 if a student so desires.

While there was no societal pattern of abuse directed against children, there were indications that child abuse was a problem; however, there was a lack of reliable data.

Children have been trafficked into the country for sexual exploitation and forced labor (*see* Section 6.f.).

Concern and publicity surrounding pedophiles continued to grow. As part of a government drive to protect children from child abusers, previously secret registers of pedophiles were available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition, suspected child abusers and convicted pedophiles were banned from working with children. Childcare organizations must consult a list before offering anyone a job, paid or otherwise, and it was illegal for them to hire anyone named on it. On October 2, the Home Office announced new measures to strengthen the Sex Offenders' Register to give courts expanded powers to force those convicted of relevant sex offences outside the UK to register as offenders in Britain. All sex offenders on the register will be made to attend a police station in person every 12 months to confirm their whereabouts. The Government's Task Force on Child Pro-

tection on the Internet organized educational campaigns, developed proposals on stiffer penalties against pedophile activities, developed models and good practices for protection, and worked on a G8 strategy to combat the problem.

A March joint report, "Safeguarding Children," headed by the Chief Inspectors of Social Services concluded that in the vast majority of cases, government agencies protected children from the risks of further harm, with good working relationships between agencies at all levels. However, the report noted concerns that the services were under pressure for resources and management on some levels and made numerous recommendations for further safeguards. The NGOs Refugee Council and Save the Children claimed in an August 2001 report that many social services agencies provided inadequate care to unaccompanied minors seeking asylum.

Various laws covering England and Wales stipulate that children have the right to apply for court orders, to give or withhold consent for medical treatment (for those capable of making an informed decision), to make complaints to the relevant local authority, to have their ethnic, linguistic, and religious background considered in decisions affecting them, to have reasonable contact with their families (usually applied in a circumstance where there was abuse), and in general to be consulted regarding their desires. In order to reduce the intimidation that young suspects may feel when tried in an adult court, there is a ban on robes and wigs and uniformed security officers in any courtroom where defendants under age 18 are tried on serious criminal charges.

Under the 2000 Prevention of Terrorism Act, the police may arrest and detain children as young as 10 years of age for up to 7 days, although no children were detained under the act during the year.

The law bans corporal punishment in state schools as well as private schools and nursery schools. Child welfare groups have called for all corporal punishment of children to be outlawed.

Persons with Disabilities.—The Disability Discrimination Act (DDA) prohibits discrimination against persons with disabilities in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition, all businesses are required to accommodate customers with disabilities. Adaptations must be "reasonable," bearing in mind the circumstances and size of the business. The Education Act requires local education authorities to make provision for the special educational needs of children with disabilities.

The Government responded to a 2001 disability rights task force report by announcing new measures to cover nearly 7 million jobs previously excluded from the DDA, such as police, firefighters, and prison officers. The Special Educational Needs and Disability Act enhances civil rights for persons with disabilities in education.

The DRC provided a hotline for persons with disabilities and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility and that all taxis be wheelchair accessible; similar regulations were in force for sensory-impaired persons. Access to many buildings, particularly older buildings, including transportation centers, remained inadequate. New measures introduced in March require all businesses to make "reasonable" modifications for persons with disabilities by 2004.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against race discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin, and Travellers— itinerant populations consisting of Roma, Irish, and other ethnic groups estimated to number 100,000 persons—faced occasional acts of societal violence and some discrimination.

Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforced the laws and regulations in this area.

On December 25, a group of between 15 to 20 youths attacked, kicked and punched 3 Asian men in Hounslow. Two men were charged with racially aggravated assault and violent disorder following an attack on a Muslim man outside a mosque in Llanelli, Wales on June 2. Four people were charged with racially aggravated public order offences during a disturbance in Preston on April 21.

A complaint against the police which arose out of the inquest into the 1997 death of a young Asian, Ricky Reel, found drowned in the Thames River in what his family believes was a racial attack, has been supervised by the Police Complaints Authority and continued at year's end.

On May 31, the CRE's code of practice placing a statutory duty on public authorities to promote race equality took effect. On February 15, the Scottish Executive presented to Parliament legislation setting new racial equality standards in the public sector.

A Home Office 2001 report showed that, in respect to race equality employment targets, non-prison services and the National Probation Service had exceeded their targets set for 2009 and that the Prison Service and the Police had made significant gains as well.

In July the NGO Liberty took the Home Secretary to the High Court to seek a judicial review on behalf of the European Roma Rights Center and six anonymous Czech Roma persons who were prescreened at the airport in Prague by UK immigration officials in July 2001. On October 10, the High Court ruled that their treatment had been lawful.

Travellers (approximately 1.6 percent of the total population) have experienced marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. In June the Scottish Parliament published a report citing evidence of institutional discrimination, racism, and harassment of Travellers in Scotland. The Race Relations (Northern Ireland) Order provided specific legal protection to minority ethnic groups in Northern Ireland, including the Traveller community. On July 10, the Traveller Law Reform Bill was adopted and read in Parliament. The Bill is designed to remove discrimination between the laws that apply to Travelling and non-Travelling people, creates a Gypsy and Traveller Accommodation Commission and requires local authorities to facilitate site provision. The Government also instituted the Gypsy Sites Refurbishment Grant of \$10.8 million (7 million pounds) to refurbish the existing network of local authority Gypsy sites.

The Government-appointed but independent CRE provides guidelines on anti-discrimination practices, supports persons taking court action, and may initiate its own court actions. After investigating a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE monitors the response to such notices for 5 years.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize and protects the rights of union members. Workers have the right to form and join unions, and workers exercised this right in practice. Just under 30 percent of the workforce was unionized. Coverage was most widespread in the public sector, where 60 percent of workers were organized. In contrast, 19 percent of private sector workers were unionized. Unionization of the work force is prohibited only in the armed forces, public sector security services, and police force. Unions, although often affiliated with political parties, were free of government control. The Employment Relations Act affords protection to union organizing efforts and sets minimum employment standards. Workers are protected by law against dismissal or other retaliation for campaigning or voting for or against recognition. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies.

Union members are protected by law against “being subject to any detriment” due to union activity or membership, and this was generally observed in practice. Contract and part-time workers are covered by the law, closing loopholes that previously allowed some employers to evade labor regulations.

Unions may join federations and participate freely in international organizations. The largest federation was the Trades Union Congress. Former British union leaders frequently occupy leadership positions in international labor organizations.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is longstanding and covers approximately 30 percent of the work force. Under the Employment Relations Act, labor-management contracts are enforceable legally.

Under the Act, unions may file a request for recognition, identifying the proposed bargaining unit to the Central Arbitration Committee (CAC), a tripartite group that includes representatives from government, business, and labor. The Act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces. Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC may issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions

win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit.

Although the law encourages voluntary agreements between employers and unions, the CAC may, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays.

The Employment Relations Act affirms the statutory right to strike. The law prohibits retaliation by strikers. Dismissed strikers were able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike or "trade dispute." The law defines a "trade dispute" in great detail; in summary, a strike must be confined to workers and their own employers ("secondary boycotts" are illegal), the dispute must be wholly or mainly about employment-related matters (e.g., pay and conditions), workers must be properly and secretly balloted before striking (with notice to the employer), and mass picketing is prohibited.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course.

e. Acceptable Conditions of Work.—In the second phase of a 2-year deal, the adult minimum wage rose from \$6.35 to \$6.50 (4.20 British pounds) per hour as of October 1. When introduced in 1999, the new pay thresholds were expected to benefit some 1.5 million workers directly; however, according to government figures from the spring, 320,000 jobs were held by persons age 18 and over that paid less than the national minimum wage. Government departments have aggressively monitored employer efforts to bring pay practices into compliance.

The national minimum wage did not provide a decent standard of living for a worker and family; however, other benefits of the welfare state filled the gap. Of nearly 28 million workers, approximately 6 million (21 percent) benefit from a social insurance scheme, in addition to receiving free universal access to the National Health Service. The working families' tax credit and disabled person's tax credit were designed to ensure a working family a weekly income of \$319 (214 pounds), which constituted a living wage. No family earning less than \$380 (255 pounds) per week is obligated to pay income tax. The Government also provided a minimum income guarantee for low-income pensioners, which increased the basic state pension that all retired employees receive. Effective in April 2001, the Government increased the threshold of total personal assets to allow more low-income pensioners to take advantage of this benefit.

Domestic legislation limits the workweek to 48 hours, in compliance with EU standards. The maximum compensation level for unfair dismissal claims is \$80,000 (50,000 pounds). Parental leave provisions were available for employees with more than a year's continuous service.

The 1974 Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk, and in practice the Act is updated regularly to reflect new safety issues. The Health and Safety Executive effectively enforced regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives actively monitored enforcement of the act. Workers may remove themselves from dangerous work conditions without jeopardy to their continued employment.

Foreign workers are protected by the same labor laws and have the same rights as other workers, and foreign workers exercised these rights in practice. Some unions have outreach and support and counseling programs specifically targeting foreign workers in the country who may be at higher risk of exploitation.

f. Trafficking in Persons.—No laws specifically criminalize trafficking in persons, although a range of laws were used to prosecute traffickers. The trafficking of persons remained a persistent problem. The country is a destination for trafficking in women and girls for prostitution and in men and women for manual labor. While the Government estimated that 1,400 women and girls were trafficked each year for prostitution, there was no reliable data on the number of persons trafficked as laborers.

The Government actively investigated and prosecuted traffickers under a range of relevant laws, including unlawful imprisonment and facilitating illegal entry, that provide for penalties of up to 10 years in prison. The police successfully prosecuted traffickers under laws such as those against procuring and living off of immoral earnings. For example, numerous traffickers were convicted of the charge of "causing prostitution," which carries a 2-year prison sentence.

All intelligence and law enforcement agencies participated in Project Flex, a formal inter-agency mechanism charged with combating trafficking. The Government participated in multinational working groups on the prevention of trafficking. The Metropolitan Police have a special unit of 14 officers to investigate sexual exploitation and trafficking. The Government sponsored education campaigns overseas, particularly in Central Europe and Southeast Asia, to discourage trafficking. The Foreign Office has posted immigration officials at overseas points of transit for traffickers to identify trafficking cases before they reach the United Kingdom.

Female trafficking victims were mainly from the Balkans and other Central European countries. Women and girls were also trafficked from South America, West Africa (particularly Nigeria), and Southeast Asia (Thailand and Vietnam).

According to the National Criminal Intelligence Service, trafficked laborers came from countries including India, Pakistan, Bangladesh, Sri Lanka, the former Yugoslavia, Romania, China, Congo, Angola, Colombia, and Ecuador. Laborers were trafficked actively by China-based criminal gangs, "snakeheads," and also by deception. In general migrants paid high fees to enter the country; however, those who could not pay were forced into servitude, often in London sweatshops run by the gangs. Some also worked in agriculture. Many victims were unwilling to come forward, due to fears of retribution from traffickers, fear of being deported or abused by authorities, or because they could not speak English well enough.

Most female victims were lured into the country by deception. The victims often agreed to pay off the balance by working in the sex industry; however, upon arriving, they were required to perform sexual services they had not agreed to, their documents were confiscated, they were forced to work a longer time than anticipated, and they were deceived into not seeking help. In addition, there was evidence that a small number of victims were forcibly abducted and brought into the country against their will.

The Government did not deport victims of trafficking; the police and the IND cooperated on assisting trafficking victims and provided temporary residency status to victims. In addition, both agencies provided legal, medical, and psychological services. Victims were not prosecuted for other crimes.

The Government worked closely with and provided funding for NGOs and other relevant organizations that fight trafficking. The Child and Woman Abuse Studies Unit at the University of North London has headed efforts to intensify public discussion on prostitution and trafficking. The NGO Kayalaan was effective in assisting trafficking victims. Another NGO, Change, worked on a project to map out government organizations and NGOs that combat trafficking in women globally. A third NGO, Womankind Worldwide, worked with overseas partners on trafficking.

UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches; however, in practice President Islam Karimov and the centralized executive branch that serves him dominate political life and exercise nearly complete control over the other branches. Following a January referendum judged to be neither free nor fair, the President's term in office was extended by 2 years. Previous elections were neither free nor fair. The Oliy Majlis (Parliament) consists almost entirely of officials appointed by the President and members of parties that support him. Despite constitutional provisions for an independent judiciary, the executive branch heavily influenced the courts in both civil and criminal cases.

The Ministry of Interior (MVD) controls the police and is responsible for most routine police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. There was effective civilian control over the military. The police and the NSS committed numerous serious human rights abuses; however, for the first time some officers from these organizations were held accountable and sent to prison for their actions during the year.

The economy was based primarily on agriculture and agricultural processing. The country had a population of approximately 24,756,000. It is a major producer and exporter of cotton, as well as a major producer of gold, and has substantial deposits of copper, strategic minerals, gas, and oil. Progress towards economic reform was mixed, including implementation of commitments to transition to a free market that the Government made during the year under the Staff Monitored Program with the International Monetary Fund. Restrictions remained on currency convertibility and economic activity, while unemployment was high and growing.

The Government's human rights record remained very poor; although there were some notable improvements, it continued to commit numerous serious abuses. Citizens could not exercise the right to change their government peacefully. The Government permitted the existence of opposition political parties but harassed their members and refused either to register the parties or to allow them to participate in elections. Security force mistreatment resulted in the deaths of several citizens in custody. Police and NSS forces tortured, beat, and harassed persons. The Government invited the U.N. Special Rapporteur on Torture to visit the country, which he did in November. Prison conditions were poor, and pretrial detention often lasted several months. Police routinely and arbitrarily detained citizens to extort bribes. Police and NSS arbitrarily arrested persons, particularly Muslims suspected of extremist sympathies. They also planted evidence on persons; however, it was less common than in previous years. The number of persons in prison for political or religious reasons, primarily individuals the Government believed were associated with extremist Islamic political groups but also members of the secular opposition and human rights activists, was approximately 6,500. The judiciary did not ensure due process. Police and NSS forces infringed on citizens' privacy. Those responsible for documented abuses rarely were punished; however, for the first time since independence the Government convicted nine officers of the NSS and police for serious human rights abuses.

The Government severely restricted freedom of speech and the press, and an atmosphere of repression stifled public criticism of the Government. In May press censorship was eliminated; however, the Government warned editors that they were responsible for the content of their publications, and new amendments to the media law in effect encouraged self-censorship. The Government continued to ban unauthorized public meetings and demonstrations, and police forcibly disrupted a number of peaceful protests. The Government prevented many more protests, citing the threat of unrest. Ordinary citizens remained circumspect in criticizing the Government publicly. The Government continued to deny registration to opposition political parties; however, for the first time in several years the Government allowed an opposition political party to hold congresses. For the first time, the Government registered an independent domestic human rights organization; however, it denied the applications of two other human rights organizations. The Government restricted freedom of religion and harassed and arrested hundreds of Muslims it suspected of extremism. The Government tolerated the existence of minority religions but placed limits on their activities. The Government restricted freedom of movement. Internal passports were required for movement within the country and permission was required to move from one city or district to another. Exit visas were required to travel abroad. The Government harassed and abused members of domestic human rights groups. Several human rights activists were arrested in circumstances that suggested selective enforcement of the law and targeting of human rights activists.

The Office of the Human Rights Ombudsman assisted hundreds of citizens seeking redress against unjust court decisions, non-receipt of salaries, and cases of official abuse of power. Violence against women, including domestic violence, was a problem, and there continued to be significant traditional, societal discrimination against women. Workplace discrimination against some minorities persisted. There were some limits on workers' rights. Some children, particularly in rural areas, were forced to work during the harvest season. Trafficking in women and children to other countries for prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, in July two inmates, Mirzakomil Avazov and Khusnuddin Olimov, incarcerated for membership in an extremist Islamic political party, were apparently tortured to death in Jaslyk prison. Officials insisted that the deaths were the result of an altercation between prisoners; however, there were reports that Avazov and Olimov were tortured by other prisoners at the orders of prison authorities. In October, in another case with possible (though unconfirmed) links to a banned extremist Islamic political party, Hizb ut-Tahrir, Izatulla Muminov died in his cell in Tashkent's Sobir Rahimov police station after apparent police torture. Human rights observers believed that dozens of prisoners died as a result of poor prison conditions aggravated by severe mistreatment. In some cases, law enforcement officials warned families not to talk about their relatives' deaths, which were often attributed by government officials to purely natural causes. Seven police and NSS officers were sentenced in January and June, respectively, to jail terms of up to 20 years for their roles in 2 deaths that occurred in late 2001. (*see* Section 1.c.).

On August 7, the bodies of Mirzakomil Avazov and Khusnuddin Olimov were returned to their families (*see* Section 1.c.). The two died violently in custody while incarcerated at a prison near Jaslyk in Karakalpakstan, where severe heat aggravates endemic health problems among prisoners. Human rights activists claimed that despite improved physical conditions and a temporary decline during the year in the use of torture and beatings by Jaslyk authorities, abusive practices re-emerged during the summer. Many of the inmates of this facility, which opened in 1999, were convicted for religious extremism (*see* Section 2.c.).

On October 9, Izatulla Muminov died in police custody after being arrested on a robbery charge. Upon returning the body, police officers told the family that Muminov had hung himself in detention; however, family members claimed that there was heavy bruising throughout his body. Authorities opened an investigation into the case and concluded that the police had committed no infraction of their duties.

On November 10, NSS officers in Surkhandarya province tortured Musurmon Kulmurodov to death (*see* Section 1.c.). He had been stopped at a traffic checkpoint and transferred to NSS custody on suspicion of narcotics trafficking. At year's end, authorities had failed to hold any of the officers criminally liable.

The country's regulations require that every death in custody be investigated by a medical examiner. Examiners' reports routinely misstated the cause of death or covered up abuses. In no case in which a death in custody appeared to be due in whole or in part to torture or other mistreatment was the death attributed to such causes. Medical reports attributed the deaths to purely natural causes, injuries incurred while police were engaged in self-defense, and altercations between prisoners.

On January 16, four police officers were convicted to terms of twenty years each for their roles in the beating death of Ravshon Haitov. In October 2001, Tashkent police arrested Ravshon and his brother Rasul on suspicion of Hizb ut-Tahrir membership. The next day police returned the body of Ravshon to his family. Although the body showed clear signs of torture, authorities informed the family that he had died of a heart attack. Rasul was beaten severely and spent several months convalescing. The 4 police officers—2 majors, a captain, and a lieutenant—were indicted within 1 day of the incident.

There were no developments in case involving the death of Emin Usman, a prominent ethnic Uighur writer arrested in February 2001 and charged with membership in Hizb ut-Tahrir. Family members reported that the body bore signs of beating. Authorities claimed that he had committed suicide.

There were no developments concerning the death of Shovruk Ruzimuradov, a human rights activist and former Member of Parliament who was arrested in June 2001 and accused of illegal possession of weapons, narcotics and banned Hizb ut-Tahrir literature. Despite authorities' claims that Ruzimuradov committed suicide, family members said that his body bore clear signs of torture and beating. Authorities claimed that Ruzimuradov had committed suicide. Sanctions were ordered against four officers, including the dismissal of one officer, for mishandling his detention. Ruzimuradov's family reported that 13 other residents of the rural village were rounded up in the aftermath of his arrest. All were accused of membership in Hizb ut-Tahrir.

There were no investigations into nor action taken in the following cases of deaths in custody during the year 2000, all of which were allegedly the result of torture or other mistreatment: Hazratkul Kudirov, Amanullah Nosirov, Shukhrat Parpiev, Rulam Norbaev, and Nagmut Karimov.

During and after the armed incursions of August and September 2000, military forces laid landmines on the border with Tajikistan and Kyrgyzstan. The Ministry of Defense asserted that all minefields were marked clearly and that it had informed the Tajik and Kyrgyz governments of their locations. There were at least five cases during the year of landmine explosions involving civilians. The number killed and injured was unknown.

During the year, border patrols shot five Kyrgyz civilians, killing one person and injuring four, in incidents near nondemarcated border areas in the Kyrgyz Republic. The Government of Uzbekistan investigated several of the incidents and determined that its troops were acting legitimately against persons attempting to illegally cross the border. No further information was available at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

By year's end, it remained unclear whether Bakhodir Khasanov, an instructor at the Alliance Francaise who has been missing since 2000, was ever formally charged or sentenced. Security forces have never acknowledged having Khasanov in their custody (*see* Section 2.c.).

Imam Abidkhon Nazarov, widely believed to be missing since March 1998, reportedly fled the country to avoid arrest and was not abducted by security forces. Sources close to the family said that Nazarov's family confirmed that he was abroad.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits these practices, both police and the NSS routinely tortured, beat, and otherwise mistreated detainees to obtain confessions or incriminating information. Police and the NSS allegedly used suffocation, electric shock, rape, and other sexual abuse; however, beating was the most commonly reported method of torture. Human rights observers reported that the use of torture abated in some prisons following the January conviction of four policemen. Torture nonetheless continued in prisons, pretrial facilities, and local police and security service precincts; and the severity of torture did not decrease during the year. At the end of his visit in December, the U.N. Special Rapporteur on Torture concluded that the use of torture in the country was systemic.

On January 16, a court convicted four police officers in the October 2001 murder of suspected Hizb ut-Tahrir member Ravshon Haitov (*see* Section 1.a.).

On June 8, the Central Military Court in Tashkent convicted three NSS officers in the October 2001 murder of suspected Hizb ut-Tahrir member Alimohammad Mamadaliyev. The chief of the Margilon office and another officer received 15 years' imprisonment, while a third officer received 4 years. The Fergana Regional Prosecutor reported to the press that he was investigating two similar killings that occurred in Margilon in July and November of 2001. No further information was available at year's end.

On August 7, authorities returned the bodies of two men, Mirzakomil Avazov and Khusnuddin Olimov, to their families. Both men, members of Hizb ut-Tahrir held in Jaslyk prison, were badly beaten and had burns attributable to scalding water over significant portions of their bodies (*see* Section 1.a.). Authorities did not issue a public explanation of the incident by year's end. Police insisted that the men died in an altercation with two other inmates and that in the course of the fight hot water from a tea caldron was spilled on them.

On August 7, police in Fergana detained 24-year-old Atabek Shakirov on suspicion of murder, initially denying him access to his lawyer and family. Police tortured him, causing kidney damage. He was eventually transferred to a hospital for treatment. The Fergana regional prosecutor said that he opened an investigation into the matter. No further information was available at year's end.

On August 27, human rights activists Elena Urlaeva and Larissa Vdovina were detained at a demonstration and placed in a psychiatric facility, where Urlaeva was subjected to involuntary psychiatric treatment and Vdovina was reportedly also subjected to involuntary treatment (*see* Section 1.d.). Urlaeva was released on December 30, but Vdovina remained in custody at year's end. Urlaeva, who admitted to perpetrating an anthrax hoax at the parliament building in November 2001, has fought a legal battle against forced psychiatric treatment since police detained her in April 2001 after she began to organize and participate in public demonstrations. She won several appeals against a court ruling ordering involuntary treatment for schizophrenia; however, each successful appeal was overturned. Her most recent appeal remained pending at year's end.

On November 10, three intoxicated NSS officers in Surkhandarya province tortured Musurmon Kulmurodov to death with pliers, a screwdriver, and a metal baton in front of his mother, wife, and their two children (*see* Section 1.a.). He and his family had been stopped at a traffic checkpoint and transferred to NSS custody on suspicion of narcotics trafficking. At year's end, authorities had failed to hold any of the officers criminally liable.

Yusup Jumaev, a poet and opposition political party member, continued to report being harassed by local authorities. In March his son was attacked by strangers whom the Jumaev family believed were working on orders from local authorities. Jumaev was arrested by the NSS in October 2001 and convicted of anti-constitutional activities in December 2001 and released on probation.

Prisoners suspected of extremist Islamic political sympathies reportedly were routinely beaten and treated more harshly than criminals, regardless of whether investigators were seeking a confession (*see* Section 2.c.). Credible sources reported that Imam Abdulvakhid Yuldashev, convicted in April 2001 on suspicion of Islamic extremism, was beaten regularly in prison. In December 2001, his lawyer visited him in jail and reported that the soles of his feet were flayed, apparently from beatings. There were reports that on several occasions police beat members of Jehovah's Witnesses (*see* Section 2.c.).

On September 4, police in Khorezm arrested Ilkhom Salayev and his wife Khovajon Bekjanova in connection with a civil complaint. Bekjanova is a relative

of Erk opposition leader Mohammed Solikh. Bekjanova was reportedly raped and beaten in front of her husband, who committed suicide after returning home.

Police forcibly disrupted some protests by women demanding the release of male relatives jailed on suspicion of Islamic extremism and in some cases injured some of the protesters (*see* Section 2.b.).

Writer and Erk opposition political party activist Mamadali Makhmudov, who reported being tortured in 2000, remained in prison and was reported to be in poor health.

Defendants in trials often claimed that their confessions on which the prosecution based its cases were extracted by torture (*see* Section 1.e.). Imam Abdolvakhid Yuldashev, convicted in April 2001 of organizing an underground Islamic movement, stated in court that investigators had beaten him and burned his genitals in order to extract a confession during detention.

Prison conditions were poor and worse for male than for female prisoners. Prison overcrowding was a problem, with some facilities holding 10 to 15 persons in cells designed for 4. The overcrowding may have been one of the reasons for the large-scale amnesty in 2001, but the problem remained severe. Tuberculosis and hepatitis were epidemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there were shortages of food and medicines, and prisoners often relied on visits by relatives to obtain both. During the year, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) extended to the country a prison reform program at the request of the Ministry of Interior.

Men and women were held in separate facilities. Juveniles were held separately from adults. Pretrial detainees were held separately from those convicted of crimes.

The Government also operated labor camps, where conditions of incarceration were reported to be less severe than in prisons. There were six types of prison and camp facilities, including pretrial detention facilities for adults.

In 2001 authorities granted amnesty to 860 individuals convicted under Article 159 (anti-constitutional activities). This was part of a broader amnesty of approximately 28,000 prisoners, most of them ordinary criminals. Prisoners reportedly were forced to sign a confession to be released under the amnesty. It is impossible to know how many of the 4,400 to 4,900 individuals arrested for suspected religious extremism but convicted under other charges also received amnesty. Human rights monitors did not gather statistics on such individuals, and the Government released no statistics on the matter. On December 8, authorities announced another, similar amnesty. By year's end, the release of prisoners had begun, but full figures were not yet known.

In January 2001, the Government signed and implemented an agreement allowing the International Committee of the Red Cross (ICRC) access to all prisoners, including those awaiting trial. The ICRC suspended visits in May 2001, complaining that access was not being granted to pretrial detention facilities. The ICRC resumed visits in March and reported that access to pretrial detention was no longer a problem. However, other problems remained, including the ICRC's concern that it was not being allowed unfettered access to prisoners. In April the ICRC suspended a visit. It resumed visits in September.

d. Arbitrary Arrest, Detention, or Exile.—Security forces continued to arrest and detain individuals arbitrarily, without warrants or just cause. The law provides that police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the person must be officially declared a suspect and charged with a crime, or he must be released. A person officially declared a suspect may be held for an additional 3 days before charges are filed. The maximum time an individual may be held is 6 days prior to charges being filed. Police may only formally arrest an individual when charges are filed, and arrest can only be made with a prosecutor's order. Detention includes everything from random motor vehicle stops to being held during a criminal investigation. A court date must be set within 15 days of arrest (or filing of charges), and the defendant may be held in custody during this period. Once the trial date is set, detainees deemed not to be violent may be released on their own recognizance, pending trial. No money need be posted as bond, but in such cases the accused usually must sign a pledge not to leave the city. In practice these legal protections frequently were ignored.

Approximately 6,800 to 7,300 persons were arrested between 1999 and 2001 on suspicion of Islamic extremism or terrorism. Of that number, no more than 2,600 were charged with crimes related to the actual reason of arrest. Common charges included narcotics and weapons possession. Another 200 individuals arrested for political opposition received similar treatment. During the year, as many as 600 persons may have been arrested on suspicion of Islamic extremism. Unlike in past years, there were few reports of police planting evidence on such individuals, and

most were charged with the actual crime for which they were arrested including anti-constitutional activity.

During the year, pretrial detention for individuals suspected of Islamic extremism varied between 3 and 10 months. While previously pretrial detention was known to last as long as 2 years, by year's end the Government had eliminated most of its backlog of such cases and suspects were going to trial within three months in almost every case. The number of such prisoners in pretrial detention was unknown; however, it was estimated to be less than 300. There are no regulations concerning the length of time witnesses may be detained, which in the past police used to avoid the 6-day limitation, claiming that suspects were being held only as potential witnesses. A defendant has a right to counsel from the moment of arrest, but in practice access to counsel was very often denied.

The police frequently sought to avoid legal constraints on the length of time suspects were held. On August 7, Fergana police detained Atabek Shakirov and held him for more than a week, without charges or access to family or counsel, claiming that he was a potential suspect, rather than an actual suspect, and that the 6-day limitation was therefore inapplicable (*see* Section 1.c.).

In ordinary criminal cases, police generally identified and then arrested those reasonably suspected of the crime; however, both the police and the NSS were far less discriminating in cases involving perceived risks to national security. Many individuals were detained, some more than once, for questioning. Authorities continued to arrest many individuals associated with Islamic groups that were not approved by the Government. In general these individuals were believed by the Government to have been associated with Hizb ut-Tahrir, although often the individuals had merely attended Koranic study sessions with the group. Since such sessions are an integral part of Hizb ut-Tahrir's recruitment mechanism, authorities made little distinction between actual members and those with marginal affiliation. Several young men testified at their trials that they attended the sessions only because they wanted to learn about Islam. Officially approved mosques were incapable of meeting the demand for Koranic instruction, and there were few other officially approved forums for such instruction.

It has been common government practice to arrest, detain, and mistreat both immediate and extended family members of those the Government sought to arrest (*see* Section 1.f.). Rahima Akhmadalievna, the wife of independent Imam Ruhiddin Fahriddinov, remained in prison at year's end. Fahriddinov was wanted by the Government on suspicion of extremism. Akhmadalievna was arrested and convicted in 2001 without credible evidence, and her daughter was allegedly mistreated. During the year, no such arrests were reported; however, many family members of individuals the Government sought to arrest remained in jail (*see* Section 1.f.).

Police in the past routinely planted narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes; however, the number of reported cases of planting evidence decreased during the year. In February in the first such case reported to human rights activists, a police officer in Andijan was convicted for planting evidence on a suspected member of Hizb ut-Tahrir.

Authorities continued to arrest and detain human rights activists arbitrarily. On May 24, authorities in Karshi arrested Yuldash Rasulov, a member of the Human Rights Society of Uzbekistan (HRSU). He was charged with acting as a recruiter for the Islamic Movement of Uzbekistan (IMU), a terrorist organization, as well as with seeking the overthrow of the Government, and with possession and distribution of extremist literature. He was convicted on September 17 of the latter two charges and sentenced to 7 years' imprisonment. In an apparent attempt to placate international observers, who had pointed to the scarcity of evidence supporting any of the charges, the Government dropped the charge of recruiting for the IMU (*see* Section 1.c.).

On September 4, HRSU activist Tursunbay Utamuratov was arrested in the Karakalpakstan region of Mangit. Utamuratov, who was a trader in the local bazaar, was charged with economic crimes, including tax evasion. He was not released on bail. On November 30, he was sentenced to the maximum sentence of 9 years' imprisonment for tax evasion, assault, resisting arrest, and forgery. The judge threw out one charge of fraud. Observers noted that this was at best a case of selective prosecution since most bazaar traders in the country committed the crimes with which Utamuratov was charged, but few were tried and even fewer were held in detention prior to their trial.

On August 27, the Government committed human rights activists Elena Urlaeva and Larissa Vdovina to involuntary psychiatric treatment that reportedly began in September (*see* Section 1.c.). Urlaeva was released on December 30.

On September 4, Jakhongir Shosalimov, a trader and member of the Independent Human Rights Organization of Uzbekistan (IHROU), was arrested in Tashkent. He

was arrested for inciting public unrest and disobeying police orders, and he was sentenced to 15 days administrative confinement on September 5. Accounts from witnesses were conflicting, but it appeared that Shosalimov gave an interview to journalists at the site of unrest that occurred that day at the bazaar. Minutes after the interview, the unrest ended and police arrested Shosalimov. Approximately 5 other individuals were arrested, 2 of whom also received 15-day sentences.

On September 17, Jora Murodov, Musulmonqul Hamroyev, and Norpolat Rajabov, 3 Kashkadarya province human rights activists, were sentenced to between 5 and 6 years for their roles in the ransacking of a collective farm manager's house. The three were involved in organizing protests against the manager's corruption. Other activists confirmed that at least one of the individuals participated in the vandalism. They later said that the wife of one of the arrested activists participated but that none of the activists actually participated.

Police in the past arbitrarily arrested and detained members of political opposition groups. There were no reports of similar arrests or detentions during the year. The opposition party Birlík was allowed to hold seven regional congresses, the first such gatherings since 1991.

Following fighting with the IMU in 2000, the Government forcibly resettled 5 villages in the Surkhandarya and tried and convicted 73 villagers for crimes against the Constitution and aiding terrorists. The villagers were not released by year's end.

Police arrested and detained some peaceful protestors during the year (*see* Section 2.b.).

Imam Khadji Khudjaev, who was arrested in August 2000 by Russian police for involvement in the February 1999 Tashkent bombings and extradited to the country in November 2000, remained in jail at year's end.

Bakhodir Khasanov, an instructor at the Alliance Francaise whose brother was convicted of Islamic extremism, was believed to have been detained in July 2000. The Government has not acknowledged that he was being held, and observers were uncertain as to his fate.

By the second half of the year the Government generally brought political detainees to trial within 3 months of their arrest. Because the press was unable or unwilling to cover the issue for fear of reprisals and there was no public record of arrests (*see* Section 2.a.), it was not possible to determine the exact number of political or other detainees awaiting trial. At year's end, political detainees awaiting trial were estimated to number between 100 and 300. Almost all were suspected of membership in extremist Islamic organizations such as Hizb ut-Tahrir. Despite some problems, the ICRC continued to visit prisons during the year and continued to work with the Government toward a fully functioning prison visit program (*see* Section 1.c.).

Neither the Constitution nor the law explicitly prohibits forced exile; however, the Government did not employ it. Government harassment of the Birlík and Erk opposition political parties drove the leaders of these organizations, including Mohammed Solikh of Erk and Abdurakhim Polat of Birlík, into voluntary exile in the early 1990s (*see* Section 3). The chairman of the HRSU, Abdumannob Polat, also lived in voluntary exile (*see* Section 4). In August Pulat Akhunov, the deputy chairman of Birlík and a naturalized Swedish citizen, received a visa to return to the country for an extended visit, which he did the same month. However, the Government still did not issue a visa to Abdumannob Polat, a non-Uzbek citizen.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial branch takes its direction from the executive branch and had little independence in practice. Under the Constitution, the President appoints all judges for 5-year terms and has the power to remove judges. Removal of Supreme Court judges must be confirmed by Parliament. Judges may be removed for crimes or failure to fulfill their obligations.

Courts of general jurisdiction are divided into three tiers: District courts, regional courts, and the Supreme Court. In addition, a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts at the regional level that handles economic cases between legal entities.

Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. Crimes punishable by death are murder, espionage and treason. Officially most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants. Unlike in past years, when trials of alleged Islamic extremists were often closed, local and international trial monitors and journalists were generally permitted to observe court proceedings during the year.

State prosecutors play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. There is no protection against double jeopardy.

In the past, judges whose decisions were overturned on more than one occasion could be removed from office. In 2001 Parliament repealed this provision of the law, but other institutional controls remained in place, such as the executive's authority to decide which judges to reappoint. Consequently, judges in most cases continued to defer to the recommendations of prosecutors. As a result, defendants almost always were found guilty. Senior officials acknowledged the overwhelming power of the prosecutors, and efforts to strengthen the independence of the judiciary continued after legislative reforms were enacted in 2000 and 2001.

Three-judge panels generally preside over trials. The panels consist of one professional judge and two lay assessors who serve 5-year terms and are selected by either workers' collectives' committees or neighborhood (mahalla) committees. The lay judges rarely speak, and the professional judge often defers to the recommendations of the prosecutor on legal and other matters.

Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The accused has the right to hire an attorney, and the Government provides legal counsel without charge when necessary. Nonetheless, the right to an attorney in the pretrial stage was often violated, and judges in some cases denied defendants the right to their attorney of choice. Defense counsel was often incompetent, and effective cross-examination of even the most fatally flawed prosecution witnesses rarely occurred. Prosecutors normally only attended those sessions of the court in which they were scheduled to speak. Court reporters tended to take poor notes and very often put down their pens when the defense was speaking. Some courts reportedly refused to allow defense counsel access to trial transcripts on appeal.

The Government announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only a day or two before the trial began. International observers generally were allowed to attend trials. During the year, there was only one report of a closed trial—that of three NSS officers who were accused of murdering a suspected Islamic extremist (*see* Section 2.c.). Observers other than families of the victim and the defendants were not allowed to attend.

Defendants often claimed that the confessions on which the prosecution based its cases were extracted by torture (*see* Section 1.c.). Judges ignored these claims. In other cases, particularly those of suspected members of Hizb ut-Tahrir, the prosecution failed to produce confessions and relied solely on witness testimony. The accused were almost always convicted. Typical sentences for male members of Hizb ut-Tahrir ranged from 7 to 12 years' imprisonment.

Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture. In an April trial of 13 Kokand men accused of membership in Hizb ut-Tahrir and one man accused of being an IMU recruiter, defendants alleged that their confessions were extracted by torture. The judge in the case said that he would investigate allegations of torture and that those guilty would be punished if the allegations were found to be true. However, local activists said that they did not know of any follow-up action taken by the judge by year's end.

During the year, five police and three NSS officers were prosecuted and convicted for beating and torturing suspects (*see* Section 1.c.).

Prosecutors in 1999, 2000, and 2001 brought charges against at least 155 persons in connection with 1999 terrorist bombings in Tashkent. All of those tried were convicted, and 20 were executed. Several individuals were tried and convicted in absentia, including the leader of a banned opposition political party. During 1999 and 2000, many other individuals were convicted of terrorism. Authorities alleged that most had ties with the IMU, which had been implicated in the 1999 bombings. Recurrent allegations that investigators employed torture, as well as a general lack of transparency in court proceedings, led many international observers to claim that the Government had failed to prove the defendants' guilt.

During the year, several individuals were tried on charges of recruiting for the IMU. In no case of alleged IMU recruitment did the prosecution present evidence that international observers considered sufficient to justify conviction. In two cases, an acquaintance or family member privately presented information to foreign contacts that appeared to confirm the charges or evidence presented by the prosecutor; however, in both cases the Government failed to present its evidence in a manner deemed by international observers to be consistent with international standards for a fair legal process.

The Constitution provides a right of appeal to those convicted; however, appeals rarely, if ever, resulted in convictions being overturned in politically sensitive cases, such as those involving individuals accused of membership in Hizb ut-Tahrir. In August an appeal was heard in Fergana for 13 individuals convicted in April of anti-constitutional activity (membership in Hizb ut-Tahrir). Lawyers for the men reported that the court refused to provide them a copy of the trial transcript. The court affirmed the sentence. Even when defendants win an appeal, no protection exists against double jeopardy.

On December 19, the Ministry of Justice cancelled The Third National Congress of the Uzbek Association of Advocates scheduled for December 21, after interfering in its planning and organization. The Congress had been seen as a promising sign of judicial reform.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the person and that persons may be taken into custody only on lawful grounds, and it prohibits unlawful searches; however, authorities infringed on these rights. The law requires the issuance of a search warrant for electronic surveillance by the relevant Procurator; however, there is no provision for a judicial review of such warrants. Security agencies routinely monitored telephone calls and employed surveillance and wiretaps in the cases of persons involved in opposition political activities (see Sections 1.d. and 4). The son of missing Andijon Imam Abdu Kori Mirzaev reported that his telephone calls were monitored, that his neighbors reported his movements to the NSS, and that the NSS occasionally questioned him. He reported that his telephone line, which had been cut in 2001, was restored during the year (see Section 1.b.).

The Law on Freedom of Conscience and Religious Organizations and other legislation prohibit the private teaching of religion and forbids the wearing of religious clothes.

Unlike in past years, there were no reports that police arrested, detained, and beat family members of suspects whom they were seeking (see Sections 1.c, 1.d., and 2.c.).

Unlike in previous years, there were no reports of authorities forcing relatives of alleged religious extremists to undergo public humiliation at neighborhood assemblies organized for that purpose.

The Government interfered with correspondence. In July 2001, Nosir Zakhir reported that he received an invitation, which was mailed in May and delivered opened, from a foreign embassy to attend an event. Zakhir, who was a Radio Liberty reporter and a member of both the Birlik opposition party and the HRSU, reported that this sort of interference was common. There were no reports of similar incidents during the year.

There was one reported case of authorities arresting relatives of an opposition political party member. On September 4, police in Khorezm arrested Ilkhom Salayev and his wife Khovajon Bekjanova, a relative of Erk opposition leader Mohammed Solikh (see Section 1.c.).

The Government used the mahalla (neighborhood) committees as a source of information on potential extremists. Uzbek neighborhoods are tightly knit communities, where residents have few secrets. Shortly after the February 1999 Tashkent bombings, the President directed that each committee assign a "defender of the people," whose job it was to ensure that young persons in the neighborhoods were not joining potentially extremist Islamic groups. The committees identified for police those residents who appeared suspicious. Observers noted that the same individuals were often arrested or detained repeatedly.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of thought, speech, and convictions; however, in practice, the Government continued to restrict these rights severely. In May the Government ended the formal requirement of press censorship. However, in August Parliament passed five new amendments to the press law, holding editors and journalists responsible for the content of articles they write and publish and establishing the right of the boards of directors of newspapers to affect editorial content. Under pre-existing law, the composition of the boards is, at the time a newspaper is established, effectively subjected to government veto. The net effect of the changes was an abolition of prior censorship, tempered by new possibilities for both hostile board interference and legalized retribution against media outlets and their employees. Ordinary citizens remained afraid to express views critical of the President and the Government in public. Self-censorship still occurred.

The law limits the ability to criticize the President. Ordinary citizens generally would not criticize the President or the Government on television or in the newspapers, although they began to do so more freely in less public settings.

The Mass Media law, which applies to all news media, formally provides for freedom of expression, protects the rights of journalists, and reiterates the constitutional ban on censorship. According to the law, journalists are responsible for the accuracy of the information contained in their news stories, which potentially subjects them to prosecution. The law prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (*see* Section 2.b.).

Information remained very tightly controlled. The Uzbekistan Information Agency cooperated closely with the presidential staff to prepare and distribute all officially sanctioned news and information. All seven national daily newspapers were owned or controlled by government entities, and their headquarters were jointly located in the same building. Their combined readership in 1999, the most recent year for which reliable statistics were available, was 81,000, a decrease from 544,000 just after independence. Newspapers, which cost between 5 and 15 cents (50–150 soum), were too expensive for most citizens.

Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including founders acceptable to the Government. A handful of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, were allowed to operate. There were several independent national newspapers, including *Novosti Nedelya*, *Vremya I Mi*, and *Hurriyat*. The last opposition newspaper to be published was from the *Erk* party; it has been banned in the country since 1993 but was published abroad and occasionally smuggled in.

Four state-run channels that fully supported the Government and its policies dominated television broadcasting. A cable television joint venture between the state broadcasting company and a foreign company broadcast the Hong Kong-based Star television channels, including the British Broadcasting Company (BBC), *Deutsche Welle*, and *Cable News Network World News*, to Tashkent and a few other locations. Access to cable television was beyond the financial means of most citizens. There were between 30 and 40 privately owned local television stations and 7 privately owned radio stations. In general broadcasters practiced self-censorship but enjoyed some ability to report critically on local government. For the most part, television programming consisted of re-broadcasting Russian programming.

The Mass Media law established the Interagency Coordination Committee (MKK), which issues both broadcast and mass media licenses to approved media outlets. In October 2000, a new law extended the term of validity of the broadcast licenses from 1 year to 5 years; however, mass media licenses, which also are a requirement, still must be renewed annually. The MKK is empowered to revoke licenses and close media outlets without a court judgment. Another government agency, the Center for Electromagnetic Compatibility (TSEMS), issues frequency licenses. In the past, television stations often encountered difficulty obtaining licenses; however, no such difficulties were reported during the year.

The Government's implementation of the media law did not function smoothly. Enforcement of the registration and licensing requirements could be strict. Because the registration committee met irregularly, many independent television stations were forced at times to operate with expired licenses, making them vulnerable to government closure.

In 2001 several independent television stations had problems renewing their licenses or exercising their legal right to control their stations' operations. One station aired an episode of a syndicated program called "Zamon," on homeless persons, which embarrassed the local governor. The governor of the neighboring province, in which the station's transmitter was located, promptly informed the station manager that he was fired. The station appealed to the prosecutor's office, which overruled the governor. As a compromise, the station agreed to stop airing "Zamon."

Aggressive reporting led to a long struggle by one successful independent station to have its broadcasting and bandwidth licenses renewed. The station obtained its broadcasting license in 2001 and its bandwidth license in the early part of the year.

On September 13, the Ministry of Foreign Affairs informed Internews, a foreign funded organization working to enhance the capacity of independent media in the region, that none of its journalists would receive accreditation.

The Government denied the registration application of an independent professional association of private radio and television broadcasters seven times, reportedly based on the association's failure to elect the Government candidate as chairman. Ministry of Justice officials allegedly told the group privately that it never

would be registered. The lack of registration effectively restricted the association's ability to attract international funding and operate freely and legally.

The Government refused to allow Radio Free Europe/Radio Liberty (RFE/RL) and the Voice of America to broadcast from within the country, despite the Government's agreement with RFE/RL to allow this activity. Both stations broadcast on short-wave from outside the country. The Government allowed the organizations to hire local correspondents. The BBC World Service was required to broadcast on a very low FM frequency, which limited the potential audience. The BBC, when it began operations, consented to restrictions that amounted to self-censorship; however, observers agreed that there was no evidence that the BBC actually engaged in self-censorship. The World Service was permitted to broadcast only 2 hours per day: Two 30-minute broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days per week. Earlier in the year, there were reports of some of BBC's programming being jammed. Chinese language music was played over BBC programming from precisely the moment broadcasting began until precisely the moment the programming ended; however, this practice ended by midyear.

In January Shodi Mardiev, a local radio reporter who was sentenced in 1998 to an 11-year prison term for defamation and extortion, was released under the 2001 amnesty.

While prior censorship was abolished in May, a new organization—the Uzbek Press and Information Agency—replaced the State Press Committee and became responsible for observing all media. Most editors and journalists continued to express concerns about potential consequences of conducting serious investigative journalism.

Beginning in May, both the state and private press published numerous articles critical of the Government, which would not have been printed prior to the lifting of the press censorship requirement. In one case, a journalist reported that officers of the Surkhandarya regional office of the NSS were using their positions for personal benefit, specifically by pressuring a local factory manager to employ certain individuals. Most citizens were well acquainted with these sorts of NSS business practices, but few openly criticized the NSS. The NSS replied to the accusations in the same newspaper, admitting that one NSS employee had been punished for abuse of power. In other articles, journalists criticized police abuse, reported on the January conviction of four police officers for murder, and at least one article criticized government economic policy. A regional paper in Kashkadarya Province attacked Ismoil Jurabekov, who was widely considered to be one of the President's most powerful advisors, for his rumored attempts to limit the scope of the new press freedoms. Nonetheless, a number of journalists and editors were subjected to threats, harassment, and mistreatment by authorities, including for articles they wrote since the end of censorship.

Prior to the May 5 abolishment of the Office of the Censor, Tashkentskaya Pravda editor A'lo Hojaev was allowed to publish a number of critical articles and subsequently was permanently removed from his position.

During the year, a "Mokhiyat" reporter claimed the newspaper's editor-in-chief, Abdukayum Yuldashev, was called to the phone several times to deal with complaints from the president's office regarding the publication of poems by opposition party member Rauf Parfi. Parfi, who once publicly called the president a dictator, was repeatedly denied the right to express himself in the local press. Yuldashev later allowed the publication of an article by journalist Toshpulat Rahmatullaev criticizing new construction in Samarkand's historic old city. Yuldashev was reported to have gone on an extended vacation during the summer following that article and had not returned to his position as editor-in-chief by year's end.

In July Karshi University sued "Mokhiyat" for printing an article accusing university staff of taking bribes from students; the university won the case but waived its right to damages.

Human rights activists reported that Sobirjon Ergashev, a regional correspondent for the Justice Ministry's *Inson va Qonun* newspaper who went on trial in September for extortion, was being harassed for his articles. He published several articles regarding corruption and abuse by officials distributing land to farmers in the Yukarychirchik district. Ergashev, who has a legal background, also provided legal advice to farmers on how to protect their rights.

Local journalists of the BBC and Agence France Presse reported being intimidated during the year as a result of their work. On July 10, Rakmatojon Kuldashv of RFE/RL and Ussen Askerov from the BBC were briefly detained by police to prevent them from covering a protest at a local market in Tashkent.

There were no private publishing houses. Newspapers generally were printed by state-owned printing houses. Religious writings must be approved by the Religion Committee censor, which was regarded as being quite strict (*see* Section 2.c.).

The Government did not allow the general distribution of foreign newspapers and other publications; however, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications were available. A modest selection of other foreign periodicals was available in Tashkent's major hotels, and authorized groups could obtain foreign periodicals through subscription.

In October the Government formally ended its official monopoly of the Internet. In the past, all Internet service providers were required to route their connections through a state-run server, Uzap, and the Government filtered access to content that it considered objectionable. Despite these restrictions, the availability of Internet access expanded as the number of service providers and Internet cafes grew. At year's end, foreign embassies and local Internet users observed that all Internet providers were blocking access to websites that the Government considered objectionable. The uniformity of this move suggested that the Internet providers were acting under instruction from the Government. Despite these restrictions, Internet users continued to find simple ways to defeat these attempts at censorship.

The Government granted academic institutions a degree of autonomy, but freedom of expression remained limited. University professors generally were required to have their lectures or lecture notes approved before the lectures were given; however, implementation of this restriction varied. Self-censorship amongst university professors occurred.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of peaceful assembly; however, it also states that authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds, and in practice the Government restricted the right of peaceful assembly. The Government required approval for demonstrations and did not routinely grant permits to demonstrators.

Authorities continued to arrest women for organizing protests demanding the release of their jailed male relatives accused of membership in Hizb ut-Tahrir. During the year, more than 25 women were brought to trial; all but 2 received suspended sentences. Police prevented a number of protests, both by refusing to allow potential demonstrators to leave their homes and by blocking access to planned demonstration sites (*see* Section 1.d.). In several cases, police forcibly disrupted demonstrations. In September witnesses reported that police beat several women in Tashkent's Chorsu bazaar.

On April 14, authorities arrested Musharaf Usmanova, the widow of Imam Farhod Usmanov. Usmanova organized several demonstrations in the fall and winter of 2001 in Tashkent. Days after her April 14 arrest, her picture appeared in the official police gazette, and she was listed as a missing person. In July she was convicted and received a 2-year suspended sentence for anti-state activities.

On April 23, 44 women demonstrated in Margilon, demanding justice in the 2001 murders of four Hizb ut-Tahrir members by NSS officers and the release of their male relatives (*see* Section 1.a.). Eleven women were detained; all were later released without being charged.

During the year, human rights activists held a number of small demonstrations in Tashkent. The demonstrations, which typically numbered less than 10 protesters, addressed police abuse, official corruption, housing problems, and in 1 case the arrest of a human rights activist. Authorities issued a permit for one of the protests. On May 27, all five individuals protesting in front of the Ministry of Interior against the arrest of Yuldash Rasulov were briefly detained and subsequently released. On August 27, authorities dispersed a protest by six individuals in front of the Ministry of Justice, and two of the protesters were committed to psychiatric care (*see* Section 1.c.).

On June 8, the Tashkent regional branch of the human rights organization Ezgulik held a conference at a movie theater in Tashkent's Sobir Rakhimov district. Days after the conference, authorities initiated proceedings that in September led to the closing of the movie theater. In a decision in September, the Supreme Court upheld the verdict of a lower court that the movie theater had violated its business charter by allowing such an activity on its premises.

In August security forces blocked access to the funeral of Mirzakomil Avazov, who was tortured and killed in Jaslyk prison (*see* Section 1.c.).

The Constitution provides for the right of freedom of association; however, the Government continued to restrict this right in practice. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. While the Law on Political Parties provides theoretical protections for minority parties and permits a wide range of fundraising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial

and legal support to those opposed to the Government. There were four registered political parties, all controlled by the Government (*see* Section 3).

In the past, the Government rejected attempts by the Birlik opposition political party to register. The party had not held a congress since 1991, and harassment by security forces drove its leaders into voluntary exile in the early 1990s (*see* Section 1.d.). During the year, the party held seven regional congresses, which is the first step toward obtaining registration. Co-founder Pulat Akhunov, a naturalized Swedish citizen, received an Uzbek visa and returned for a 4-week visit.

The opposition political party Erk continued to insist that its 1991 registration remained valid, and the party therefore refused to file new registration papers. A 1995 law, which members said was aimed at Erk, required all parties registered prior to 1993 to reregister. Erk's principled stance was motivated also by its members' opinion that the Government would reject any new application. In 2000 Erk's leader, who went into self-exile in the early 1990s to escape harassment from security forces, was convicted in absentia of terrorism charges, which members said were false (*see* Section 1.d.). On May 26, Erk's Secretary General was detained for several hours in Tashkent; the first Erk meeting in several years had been scheduled for that day but was subsequently cancelled (*see* Section 3).

The Constitution and the law ban parties of an ethnic or religious nature. In the past, authorities, citing these statutes, have denied registration to the Islamic Renaissance Party (IRP). In the early 1990s, opposition activists announced the formation of the religious Adolat-True Path Party but never pursued formal registration, claiming that their members were afraid of government reprisals. Some members and leaders of IRP and Adolat-True Path chose, or were forced, to flee abroad. The core of the IMU, which has waged an armed insurrection since 1999, was formed in large part from these elements.

The Law on Public Associations, as well as the Law on Political Parties, prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already were registered. In the past, officials used the latter provision to block human rights NGOs and independent political parties from registering by creating another NGO or party with the identical name. During the year, no such practice was reported.

The process for government registration of NGOs and other public associations was difficult and time-consuming, with many opportunities for obstruction. A 1999 law on nongovernmental, noncommercial organizations provides for simpler registration requirements. Officials at the Ministry of Justice said that the law was fully implemented during the year. While NGOs verified that the mechanics of the registration procedure were greatly simplified, the Government clearly retained the ability to hamper registration of organizations that it deemed undesirable.

In March authorities registered the IHROU, one of three local human rights organizations actively monitoring the human rights situation in the country. Ezgulik and HRSU, two other human rights organizations, were denied registration at year's end. Both IHROU and HRSU had attempted to register for years. Ezgulik, a new organization, submitted two registration applications, in May and November, and was refused both times. In the past, the IHROU reported that the Government had based its denials on bureaucratic technicalities. During the year, the Government cited serious material deficiencies in the applications of both HRSU and Ezgulik, including falsification of membership roles in certain provincial chapters. HRSU refused to make necessary changes. Ezgulik, which admitted to some of the deficiencies, made reasonable efforts to correct its application. However, the Government appeared to have subjected the applications of both HRSU and Ezgulik to significantly higher scrutiny than those to which the applications of other organizations were held.

The Government did not change its often stated stance that human rights groups enjoyed de facto registration. There were continued reports of officials investigating the activities of human rights activists. A local Ministry of Internal Affairs officer admitted in writing to an activist that he was under orders from authorities in Tashkent to investigate the activities of human rights activists and independent journalists. Two other human rights organizations, the Committee for Protection of Individual Rights (CPRI) and the Legal Aid Society (LAS), were registered by the mid 1990s. CPRI was formed with government support in 1996, and some of its members cooperated with HRSU, Ezgulik and IHROU (*see* Section 4). The Legal Aid Society pursued some low-level police abuse and government corruption cases but avoided cases involving suspected Islamic extremists.

Although unregistered organizations often could operate without government interference, they did not exist as legal entities. Unregistered NGOs continued to face difficulties operating their organizations during the year. Government representatives met with members of human rights organizations on various occasions. Inter-

national and local journalists met frequently with members of these organizations, but state controlled media rarely mentioned them.

Nonpolitical associations and social organizations usually were allowed to register, although complicated rules and a cumbersome government bureaucracy often made the process difficult. Some evangelical Christian churches and Jehovah's Witnesses congregations found it difficult to obtain registration (see Section 2.c.). The Government continued to refuse to register an association of broadcasters formed in 1998 (see Section 2.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice the Government restricted this right.

The Government viewed most Islamic activity outside the state-sponsored mosques with suspicion and often concluded that those engaging in such activity posed an extremist security threat. The primary target of the Government's suspicion was the banned extremist Islamic political party Hizb ut-Tahrir; most of those arrested were allegedly associated with this organization. The Government arrested as many 600 suspected members of Hizb ut-Tahrir or, in some cases, other groups. Those arrested were usually mistreated and were typically sentenced to between 7 and 12 years in jail. Many others suspected of association with extremism were detained for questioning. Christians who tried to convert Muslims or who had among their congregations members of traditionally Muslim ethnic groups often faced official harassment, legal action or, in a number of cases, mistreatment. Christians who avoided any association with proselytizing generally had no problems, and Jews generally were able to practice their religion. The religion law forbids proselytizing and severely restricts activities such as importing and disseminating religious literature.

The Government is secular, and there is no official state religion. Although the laws treat all religious confessions equally, the Government shows its support for the country's Muslim heritage by funding an Islamic university and subsidizing citizens' participation in the Hajj. The Government promotes a moderate version of Islam through the control and financing of the Spiritual Directorate for Muslims (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials.

The Religion Law requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. Among its requirements, the law stipulates that each group must present a list of at least 100 Uzbek citizen members to the local branches of the Ministry of Justice. This provision enabled the Government to ban any group simply by finding technical grounds for denying its registration petition. Officials designed the law to target Muslims who worship outside the system of state-organized mosques. A special commission may grant exemptions to the Religion Law's strict requirements and register groups that have not been registered by local officials. The commission granted exemptions to 51 such groups, including congregations with fewer than 100 Uzbek citizen members.

As of May, the Government registered 2,047 religious congregations and organizations, 1,863 of which were Muslim. However, the Government's Committee on Religious Affairs (CRA) continued to deny the Greater Grace Christian Church of Samarkand permission to have a Finnish rather than Uzbek pastor. The church's application for registration remained blocked at year's end pending resolution of that issue. In Tashkent the Agape mission Church continued to face difficulty registering, despite the fact that it met all legal requirements for registration. Local authorities continued to block the registration of Baptist congregations in Gazalkent and Novy Zhizn. During 2001 the deputy mayor of Gazalkent allegedly told church leaders that their application might be approved if they removed from the church's membership list all names of ethnic-Uzbek origin.

Ethnic Uzbeks in Guliston established their own Protestant church, called the Good News Church. It was also denied registration, and on August 18 its pastor, his wife, and one member were fined. Members alleged that the head of the local office of the Ministry of Justice tore up their application in front of them. In the months following the August fines, members of the Good News Church reported receiving visits in their homes by local security officials, who discouraged them from participating in the church's activities.

Any religious service conducted by an unregistered religious organization is illegal. Police occasionally broke up meetings of unregistered groups. Members of such groups were fined during the year, and one was briefly jailed. Other prohibited activities for unregistered groups include: Organizing an illegal religious group, persuading others to join such a group, and drawing minors into a religious organization without the permission of their parents.

Religious groups are prohibited from forming political parties and social movements (*see* Section 2.b.).

The law prohibits proselytizing, which resulted in fines and the denial of registration to many Christian churches, and in some cases, beatings of many of their members. Authorities tolerated many Christian evangelical groups but often harassed those that tried to convert Muslims to Christianity.

The law forbids anyone except clerics from wearing religious clothing in public. Nevertheless, women were seen wearing the hijab and, less frequently, the veil on the street. Most young men did not wear beards, which the Government regarded as a potential indicator of extremism. Most female university students did not wear the hijab. There were no known expulsions of women wearing headscarves during the year. However, of the women expelled from state universities in 1997 and 1998 for wearing religious clothing, none who continued to do so were readmitted during the year (*see* Section 1.f.).

The Government bans the teaching of religious subjects in schools and also prohibits the private teaching of religious principles. In May 2001, the Ministry of Justice informed the Baptist Union in writing that the holding of Sunday school classes for the children of congregation members was a violation of the Law on Freedom of Conscience and Religious Organizations. The letter threatened revocation of the Baptist Union's registration if it did not immediately cancel Sunday school. The legal problem was not resolved, but a series of communications between the Baptist Union and the Ministry resulted in what was at least a temporary, mutually acceptable compromise.

The Government requires that the religious censor approve all religious literature. The Committee on Religious Affairs, in accordance with the law, has given the right to publish, import, and distribute religious literature solely to registered central offices of religious organizations. Seven such offices were registered by year's end. However, the Government discouraged and occasionally even blocked registered central offices from producing or importing Christian literature in the Uzbek language, even though Bibles in many other languages were available in Tashkent bookstores.

The Muftiate sporadically issued an updated list of all officially sanctioned Islamic literature. Bookstores were not allowed to sell any Islamic literature not on the list. The list contained more than 200 titles; however, in practice Islamic bookstores in Tashkent sold a large number of titles not on the list, including those in the Arabic language. More controversial literature, when available, was not displayed on shelves. Possession of literature deemed extremist might lead to arrest and prosecution. Hizb ut-Tahrir leaflets, which were fundamentally political in nature, absolutely were prohibited.

The Government's most serious abuses of the right to religious freedom were committed against suspected Islamic extremists, but the effects had repercussions in the wider Muslim community. The Government's campaign against extremist Islamic groups, begun in the early 1990s, resulted in numerous serious abuses during the year. The campaign was directed at three types of Muslims: Alleged Wahhabists, including those educated at madrassas (religious schools) abroad and followers of missing Imams Nazarov of Tashkent and Mirzaev of Andijon; those suspected of being involved in the 1999 Tashkent bombings or of being involved with the IMU, whose roots are in Namangan; and suspected members of Hizb ut-Tahrir throughout the country. During the year, the campaign resulted in the arrests of some persons, primarily young men, who claimed that they were not extremists.

Both Wahhabism and the IMU stemmed from the growth of independent Islam that the Government has sought to suppress since the early 1990s. While the Government viewed members of the IMU as terrorists, it viewed members of Hizb ut-Tahrir and Wahhabists as potential terrorists.

The Government did not consider repression of these groups to be a matter of religious freedom, but rather to be directed against those who wanted to foment armed resistance to the Government. However, authorities were highly suspicious of those who were more religiously observant than is the norm, including frequent mosque attendees, bearded men, and veiled women. In practice this approach resulted in abuses against observant Muslims for their religious beliefs. It also served to radicalize some young men and women who otherwise might practice their religion in a politically neutral manner.

Arbitrary arrest and detention of those the Government perceived as Islamic extremists were common (*see* Section 1.d.). Unlike in past years, there were no credible reports of security services arresting, detaining, or harassing Muslim leaders perceived to be extremists.

Prison authorities deprived many prisoners suspected of Islamic extremism of the right to practice their religion freely. Human rights monitors reported that individ-

uals arrested for Islamic extremism were not allowed to read the Koran in most detention facilities.

The scarcity of independent media and the absence of a centrally located and readily accessible register of court cases made it difficult to determine how many persons were incarcerated for religious reasons. The Moscow-based human rights organization Memorial estimated that 1,400 persons were arrested on suspicion of Islamic extremism during the first 8 months of 2001, compared with 2,700 arrested in 2000, and 4,000 in 1999 (*see* Section 1.e.). Memorial has not published an updated list; however, other sources estimated that during the year approximately 600 persons were arrested.

Imam Abdulvakhid Yuldashev, a former pupil of Imam Nazarov, remained in jail. He was arrested in June 2000 and sentenced in April 2001. His lawyer continued to visit him throughout the year and reported that he continued to be tortured periodically (*see* section 1.c.).

Although the use of loudspeakers in issuing the call to prayer was discouraged beginning in 1998, their use became more common during the year.

Members of Jehovah's Witnesses claimed that they were subjected routinely to police questioning, search, and arbitrary fines. Police conducted several raids during the year against meetings of Jehovah's Witnesses. Since April 2001, there were reports that approximately 90 members of Jehovah's Witnesses were detained and administratively fined and that police confiscated some members' passports. On March 26, members of three congregations in Nukus were detained and reportedly beaten while celebrating a religious holiday. Throughout the year, authorities in Jizzakh intensified an education campaign aimed at discouraging youth from joining Jehovah's Witnesses. Representatives of Jehovah's Witnesses alleged that the Government regarded Jehovah's Witnesses as an extremist group and disapproved of the group's door-to-door evangelical style; government officials confirmed this. In July police arrested Marat Mudarisov, a member of Jehovah's Witnesses, for inciting religious hatred. On November 29, Mudarisov was convicted and given a 3-year suspended sentence.

Criminal charges filed in 2001 against Pastor Nikolai Shevchenko of Bethany (Baptist) Church in Tashkent and several of his parishioners were dropped; however, Pastor Shevchenko still faced the possibility of administrative fines for leading an unregistered congregation. In August in the provincial capital of Guliston, an evangelical church leader and two of his congregants were fined for leading an unregistered church. Harassment of churches in other cities, including Urgench and Gazalkent, continued.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for free movement within the country and across its borders; however, the Government severely limited this right in practice. Permission from local authorities was required in order to resettle in a new city. The Government rarely granted permission to those who wished to move to Tashkent, and local observers reported that a \$100 bribe (96,529 soum) was necessary to obtain the required registration documents. The Government required citizens to obtain exit visas for foreign travel or emigration, but it granted these permits routinely for approximately \$5 (5,000 soum). An exit visa was not required for travel to most countries of the former Soviet Union; however, beginning on December 20, the Government closed its borders to almost all of its citizens attempting to travel overland to the neighboring countries of the Kyrgyz Republic and Kazakhstan. Overland travelers to Turkmenistan also faced restrictions, while the border with Afghanistan remained mostly closed to ordinary Uzbek citizens. Uzbek citizens attempting to cross the border to neighboring Tajikistan continued to experience significant delays and some restrictions.

All citizens have a right to a passport, and the Government did not restrict this right. Passports serve as both internal identity cards and, when they contain an exit visa, as external passports. Every citizen must carry a passport when traveling inside or outside the country. Police occasionally confiscated these documents. In the past, authorities were more likely to confiscate the passports of political opponents than other citizens. There were no reports during the year of confiscation of political opponents' passports, and authorities returned the passport of prominent human rights activist Mikhail Ardzinov after 3 years. By year's end, authorities had not returned the passport of human rights activist Elena Urlaeva that was seized in July 2001 (*see* Sections 1.c. and 1.d.).

Movement within the country by foreigners with valid visas generally was unrestricted; however, visitors required special permission to travel to certain areas,

such as Termez, in Surkhandarya province on the Afghan border. At times authorities closed certain mountainous regions where fighting with the IMU took place.

The Law on Citizenship stipulates that citizens do not lose their citizenship if they reside overseas; however, since the country does not provide for dual citizenship, those acquiring another citizenship lose Uzbek citizenship. In practice the burden was on returning individuals to prove to authorities that they did not acquire foreign citizenship while abroad.

Following the summer 2000 fighting with the IMU in the Surkhandarya region, the Government forcibly resettled residents of a number of villages from the mountainous border area (see section 1.d.). The villagers faced permanent impediments to returning to their homes, and the Government built permanent structures in several new settlements approximately 120 miles away. International observers reported that conditions were acceptable in all of the villages but Sherabad, where food shortages remained a problem.

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government did not adhere to the 1951 Convention Relating to the Protection of Refugees or its 1967 Protocol. The Government considered asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals were subject to harassment and bribe demands when seeking to regularize their status. Such persons could be deported if their residency documents were not in order.

There were no official statistics, but observers, including the U.N. High Commissioner for Refugees (UNHCR), estimated that there were 8,000 Afghan refugees in the country. At the end of August, there were 853 cases (2,562 persons) of refugees recognized by the UNHCR as mandate refugees and 448 cases of asylum seekers (971 persons). The UNHCR reported that 99 percent of its refugee cases were persons from Afghanistan, many of whom had few means to earn a livelihood and serious protection problems.

There were an estimated 30,000 Tajik refugees in country. Most of these were probably, as the Government argued, economic refugees.

In August 1999, the Government agreed that it would not force those given refugee status by the UNHCR to leave the country. There were two cases of forced return of mandate refugees to a country where they feared persecution, one in May and one in July. In those cases, a total of six persons (including four minor children) were forced to return to Afghanistan. In another deportation case involving a North Korean citizen, the Government agreed to allow the individual to be resettled in another country. The population includes large numbers of ethnic Tajiks, Kyrgyz, and Kazakhs, as well as ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. Russians and other Slavs also are well represented. These groups enjoyed the same rights as other citizens. Although the latter groups were free to return to their ancestral homelands, absorption problems in those countries slowed their return. The UNHCR reported that police rarely harassed mandate refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, in practice citizens could not change their government through peaceful and democratic means. The Government severely restricted freedom of expression (see Section 2.a.) and repressed opposition groups and individuals; however, no opposition members were jailed. No independent opposition groups participated in government. During the year, the Birlik opposition movement was allowed to hold congresses throughout the country for the first time since 1991 (see Section 2.b.). Four government-controlled political parties held the majority of the seats in Parliament, and most remaining seats were held by government officials.

The Government is highly centralized and is ruled by a strong presidency. President Karimov was elected in a limited multi-candidate election in 1991. A 1995 referendum and subsequent parliamentary decision extended his first term until 2000. He was reelected in 2000 to a second term with 92.5 percent of the vote. His opponent, Abdulhafiz Jalalov, ran a token campaign and admitted on election day that he himself had voted for Karimov. The OSCE declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair. Following a January referendum, which multilateral organizations and foreign embassies refused to observe, the term of the Presidency was extended from 5 to 7 years.

President Karimov and the executive branch maintained control through sweeping decree powers, primary authority for drafting legislation, and control of all government appointments, most aspects of the economy, and the security forces.

Many government officials were members of the People's Democratic Party of Uzbekistan (PDP), formerly the Communist Party and still the country's largest party. The party did not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. There were three other registered parties. These were created with government assistance and were loyal to President Karimov. All four parties participated in the 1999 parliamentary elections, in which 93 percent of the electorate reportedly voted. The election did not represent a real choice for voters, since the parties and independent candidates were all loyal to the Government.

The OSCE and many international observers concluded that the 1999 legislative elections were neither free nor fair because the voters lacked a choice. Local and regional governors (hokims), who were appointed by the President, exerted a strong influence on the selection of candidates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Only 16 of the 250 candidates who won had been nominated by citizens' initiative groups. These candidates generally were allowed on the ballot only if the hokims approved them.

The Parliament (Oliy Majlis) is constitutionally the highest government body. In practice, despite assistance efforts by international donors to upgrade its ability to draft laws independently, its main purpose is to confirm laws and other decisions drafted by the executive branch.

The laws that govern the conduct of parliamentary and presidential elections and the Law on Political Parties make it extremely difficult for opposition parties to develop, nominate candidates, and campaign. The procedures to register a candidate are burdensome and the Central Election Commission (CEC) has authority to deny registration. A presidential candidate is prohibited from campaigning before being registered but must present a list of 150,000 signatures in order to be registered. Under the law, the CEC must deny registration of presidential candidates who are found to "harm the health and morality of the people." There is no appeal to the Supreme Court for candidates whose parties were denied registration. The Ministry of Justice has the right to suspend parties for up to 6 months without a court order.

Citizen initiative groups of 100 members or more may nominate candidates to the Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Other interest groups were forbidden from participating in campaigns, and candidates were allowed to meet with voters only in forums organized by precinct election commissions. The law prohibits parties from funding their candidates' campaigns directly; parties must turn over all campaign money to the CEC, which then distributes the funds equally among the candidates. Only the CEC may prepare and release presidential campaign posters.

According to the Law on Political Parties, judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. By law the Government prohibits formation of parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government or incite national or racial hatred are prohibited. The Government refused to register the opposition political movement Birlík in the early 1990s, but it allowed Birlík this year to hold congresses throughout the country—the first step toward registration (*see* Section 2.b.). The Government effectively stripped the registration of opposition political party Erk in the mid-1990s (*see* Section 2.b.). Membership in unregistered political organizations is not officially forbidden. No opposition political party members were arrested as a result of their activities.

The Government continued to target members of unregistered political opposition groups using methods such as surveillance and loss of employment (*see* Sections 1.d. and 4). In April the Namangan chief of police provided human rights activists with a letter in which he claimed to have been ordered by the MVD to collect detailed information on all Birlík and Erk opposition political party members, BBC and VOA reporters, human rights activists, and their families. The Minister of Interior denied that such an order had been issued.

The leaders of the two unregistered opposition political parties—Mohammed Solikh of Erk and Abdurakhim Polat of Birlík—were forced into voluntary exile in the early 1990s. After the February 1999 Tashkent bombings, government targeting of members of these groups intensified. The Government repeatedly accused Solikh, who ran against Karimov for the presidency in 1992, of being a leader of the terrorist plot behind the bombings. Solikh was 1 of 9 defendants tried in absentia in a November 2001 trial of 12 alleged bombing conspirators. He was convicted and

sentenced to 15 years in prison. Three of Solikh's brothers—Kamil, Rashid, and Muhammed Bekjonov (a.k.a. Bekzhon)—remained in prison at year's end.

On May 26, Atanazar Aripov, the leader of Erk, was detained for several hours. He was enroute to a meeting of Erk members in Tashkent when police officers approached him and asked him to come to the MVD's headquarters. Aripov was released unharmed and said that authorities were trying to disrupt the meeting. In the past, dozens of Erk and Birluk activists reported being detained, harassed or subjected to surveillance; however, detentions and harassment were uncommon during the year, although surveillance increased.

There were no further developments in the case of Shovruk Ruzimuradov, a former parliamentarian and Birluk member who was tortured to death in prison in July 2001. Several police officers reportedly received administrative punishments and were subjected to disciplinary action, but none were prosecuted by year's end.

Traditionally, women participate much less than men in government and politics. There were 20 female deputies in the 250-member Parliament. There were 2 women (both with the rank of Deputy Prime Minister) among 28 members of the Cabinet; 1 was charged specifically with women's issues.

In the 250-member parliament, there were 227 ethnic Uzbeks, 1 Korean, 7 Russians, 1 Armenian, 3 Tajiks, 2 Ukrainians, 3 Kazakhs, and 6 Karakalpaks.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated in the country; however, security forces continued to harass and abuse domestic human rights activists. During the year, six activists were arrested in circumstances that suggested they may have been targeted for their human rights activities. Another was committed to involuntary psychiatric treatment (see Sections 1.a. and 1.c.). Several human rights activists reported significant harassment during the year, including regular interviews by the NSS and the collecting of personal information on them and their extended families by police. In addition, family members also lost their jobs. Unlike in past years, the activists reported no serious attempts to limit their travel within the country or abroad.

On August 27, human rights activists Elena Urlaeva and Larissa Vdovina were committed to a psychiatric institution (see Sections 1.c. and 1.d.).

On September 4, IHROU activist Jakhongir Shosalimov was arrested in Chorsu market in Tashkent. He gave an interview to a journalist in the presence of police officers at the scene of an ongoing violent protest, during which he complained of police brutality. He was arrested approximately thirty minutes after the protest ended. Circumstances suggest that he was arrested not because he incited unrest (as claimed by authorities), but because he exercised his right to free speech.

On September 4, HRSU activist Tursunbay Utamuratov was arrested in Karakalpakstan. He was a bazaar trader and was accused of tax evasion. On November 30, Utamuratov was sentenced to 9-years' imprisonment.

In April 2001, two unidentified men attacked Khamraev Bakhtiar, the HRSU regional representative for Jizzakh, causing a concussion. In early August, Bakhtiar reportedly received a visit from officials from the procurator's investigative department who warned him to be careful about what he says. There were no further developments in the case.

One independent human rights organization, the Independent Human Rights Organization (IHROU), was registered during the year. Several other domestic human rights NGOs remained unregistered and faced numerous difficulties. Renting office space and conducting transactions in the NGOs name can be legally problematic; and opening bank accounts was impossible, making receiving funds from overseas very difficult. Activists of the unregistered organizations tended to encounter more difficulties with authorities.

In June authorities initiated legal proceedings to shut down a movie theater in Tashkent after an independent human rights organization, Ezgulik, held a regional congress there. The theater was shut down in September (see Section 2.b.).

The Government generally was willing to hold an open dialog with international human rights NGOs. Human Rights Watch maintained an office and operated independently in the country. The Government was willing to discuss human rights matters with international governmental organizations such as the OSCE, as well as with foreign embassies. In April an official from the office of the U.N. High Commissioner for Human Rights visited the country. In June the Government invited the U.N. Special Rapporteur for Torture to visit, which he did in November.

On March 4, the Government registered the IHROU, which became the third registered domestic human rights NGO. The two other registered groups were the Committee for Protection of the Rights of Individuals (CPRI), which was formed with

the support of the Government but also has ties to opposition figures (*see* Section 2.b.), and the Legal Aid Society, which dealt with minor police abuse and government corruption cases. The CPRI acted as the Uzbek affiliate of the International Society for Human Rights, which is based in Germany, and it engaged in legitimate human rights work, but it refrained from criticizing the President. Observers questioned the CPRI's independence from the Government. Its leader, Marat Zakhidov, engaged in progovernment propaganda, but many of its members cooperated closely with other human rights organizations. HRSU and Ezgulik remained unregistered at year's end.

There is a human rights Ombudsman's office affiliated with the Parliament. The Ombudsman may make recommendations to modify or uphold decisions of government agencies, but the recommendations are not binding. The Ombudsman is prohibited from investigating disputes within the purview of courts. The Ombudsman has eight regional offices outside Tashkent. During the year, the Ombudsman's office handled hundreds of cases, a large majority of which dealt with contested court decisions, abuse of power, and various labor and social welfare issues. The Ombudsman published reports identifying the most serious violations of human rights by government officials; the majority of these involved allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appeared to have been relatively minor.

The National Human Rights Center of Uzbekistan, created by presidential decree, is responsible for educating the population and government officials about the principles of human rights and democracy, as well as for ensuring compliance with its international obligations in providing information on human rights. The Center held several seminars on democratization and human rights. Members of parliament, foreign diplomats, and international organizations attended. It also co-sponsored a coordinating conference for domestic human rights organizations. The Center was not officially involved in human rights advocacy but did intercede on behalf of IHROU and another human rights organization when they were attempting to register. The Center worked closely in the past with international organizations such as the U.N. Development Program and the OSCE.

Section 5. Discrimination Based on Race, Sex, Disability, Language or Social Status

Both the Constitution and the law prohibit discrimination on the basis of sex, language, or social status; however, societal discrimination against women persisted.

Women.—Violence against women was a problem and spousal abuse was common, but no statistics on the problem were available. Wife beating was considered a personal family affair rather than a criminal act; such cases usually were handled by family members or elders within the community (*mahalla*) and rarely came to court. The law punishes physical assault; however, no legal provisions specifically prohibit domestic violence. Police often discouraged women from making complaints against abusive husbands and abusers were rarely taken from home or jailed.

In December 2000, the NGO Minnesota Advocates for Human Rights released a study on domestic violence in the country, which concluded that domestic violence was widespread. Winrock International, which helps develop women's organizations in the country, noted that public officials were willing to speak openly about the problem of domestic violence. Most NGOs who work on domestic violence issues reported that local government cooperation on education programs had increased. Some police participated in NGO training on this issue. One NGO trained over 16,000 women and 1,400 men during the year.

The law prohibits rape. Marital rape appears to be implicitly prohibited under the law, but no known cases have been tried. Although statistics on rape were unknown, cultural norms discouraged women and their families from speaking openly about rape.

The law prohibits prostitution. Prostitution within the country was also a problem, and many observers believed that deteriorating economic conditions led to an increase in prostitution. There were more ethnic minorities engaged in prostitution. Police enforcement of laws against prostitution was uneven, and some police officers used the threat of prosecution to extort money from prostitutes.

Trafficking in women to other countries for the purpose of prostitution was a problem (*see* Section 6.f.).

Sexual harassment is not prohibited by law, but was reportedly a widespread problem. However, social norms and the lack of legal recourse made reporting rare.

Although the law prohibits discrimination against women, traditional, cultural, and religious practices limited their role in everyday society. For these reasons, women were underrepresented severely in high-level positions. In accordance with tradition, women—particularly in rural areas—usually married before the age of 20, bore many children, and confined their activities to within the family. In rural

areas, women often worked in the cotton fields during the harvest season. However, women were not impeded formally from seeking a role in the workplace, and women who opened businesses or sought careers were not hindered legally. Women were underrepresented in the industrial sector; however, they were fairly well-represented in the agricultural and small business sectors. A deputy prime minister at the cabinet level was charged with furthering the role of women in society and also was head of the National Women's Committee.

Several dozen NGOs addressed the needs of women. One NGO in Tashkent conducted seminars on sexual harassment, domestic violence, and the legal rights of women. Another NGO in Tashkent operated a hot line for women involved in prostitution. A center in Samarkand operated a crisis hot line and provided educational services on alcoholism, sexually transmitted diseases, and family counseling. The American Bar Association operated programs that focused on protecting women's legal rights in the Fergana region. A women's group in Surkhandarya worked with women with disabilities and promoted their rights. Another organization, Women's Integrated Legal Literacy, worked in the following areas: legal literacy training, small grants for women's NGOs, cultural events to educate women on their rights, and advocacy on women's issues.

In parts of the country, some women and girls resorted to suicide by self-immolation. There were no reliable statistics on the extent of this problem because most cases went unreported. The problem appeared to be growing. After marriage many women or girls moved into the husband's home, where they occupied the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercised complete control over the young bride, usually was the stimulus for suicide. An NGO in Samarkand runs a shelter for victims of self-immolation. The NGO reported varying degrees of cooperation from individual officials and local governments.

A 1997 research study indicated that the number of women enrolling in higher education was diminishing; women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to approximately 25 percent in 1997. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may have deliberately barred entrance to women in some fields. As of September, a steep, government mandated increase in university fees forced many more families to decide which, if any, of their children they would educate, possibly affecting women's access to higher education.

Children.—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach age 18. Traditional Uzbek values reinforced the cohesion of families; in most cases, several generations of a family lived together. In theory the Government provides free universal primary education and health care; however, in practice shortages and budget difficulties mean that some services must be paid for privately. Nine years of formal schooling are compulsory, and the average length of schooling is more than 11 years. According to the Government, 98.1 percent of children completed secondary school. Anecdotal evidence indicated that more children continued to drop out of high school as economic circumstances continued to deteriorate. There also was evidence that earlier marriages among young rural women contributed to a higher drop out rate for young women. The Government granted monetary allowances to families based on their number of children. The country had a very high birth rate; more than one-half of the population was under the age of 18.

There was no societal pattern of abuse of children. During the year, there was one confirmed report of a girl being trafficked abroad for prostitution. Teenage girls were engaged in prostitution (*see* Section 6.f.). During the harvest, some school children, particularly in rural areas, were forced to work in the cotton fields (*see* Section 6.c.).

Persons with Disabilities.—The law provides for support for persons with disabilities and is aimed at ensuring that these persons have the same rights as other citizens; however, little effort was made to bring persons with disabilities into the mainstream. There was some societal discrimination against persons with disabilities. Children with disabilities generally were segregated into separate schools. The Government cared for the mentally disabled in special homes. The Government has not mandated access to public places for persons with disabilities; however, there was some wheelchair access throughout the country.

National/Racial/Ethnic Minorities.—Government statistics dating from 1992 show that the population was approximately 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented as well. During the year, the percentage of Russians and Tatars

decreased through emigration, but a number of Russians returned to the country. Exact percentages of ethnic minorities were unknown but were certainly lower than in 1992. Available statistics almost certainly underestimated the actual number of ethnic Tajiks; the figures treated ethnic Tajiks whose mother tongue was Uzbek as ethnic Uzbeks. In addition, some members of other ethnic groups chose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complained that job opportunities were limited for them. Senior positions in the Government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions to this rule.

The citizenship law does not impose language requirements for citizenship; however, the language issue remained very sensitive. Uzbek was declared the state language, and the Constitution requires that the President speak Uzbek; however, the language law provides for Russian as “the language of interethnic communication.” Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara. The law originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified to remove a specific date. The Government also was in the process of replacing the Cyrillic alphabet with the Latin alphabet; however, realizing the difficulties for Uzbeks and minorities alike, the Government delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

Section 6. Worker Rights

a. The Right of Association.—The law specifically provides that all workers have the right voluntarily to form and join unions of their choice, and that trade unions themselves voluntarily may associate by geographic region or industry sector. Membership in trade unions is optional. The law also declares all unions independent of the Governmental administrative and economic bodies (except where provided for by law), and states that trade unions should develop their own charters, structure, and executive bodies and organize their own work. However, in practice, the overall structure of trade unions did not change significantly since the Soviet era. Trade unions remained centralized hierarchically, and remained dependent on the Government. No alternative union structures existed. Independent unions did not exist.

There were a few professional associations and interest groups, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. There also were registered professional associations for judges and lawyers, both of which were quasigovernmental. The main activity of all registered associations was professional development. They did not license members and had no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs, and emphasis is placed on the unions’ responsibility for “social protection” and social justice—especially unemployment compensation, pensions, and worker retraining.

The law forbids discrimination against union members and their officers.

The law on unions provides that unions may choose their own international affiliations; however, none have done so.

b. The Right to Organize and Bargain Collectively.—Trade unions may conclude agreements with enterprises; however, progress in privatization was very limited and collective bargaining did not occur. As a result, there was no experience with negotiations that could be described as adversarial between unions and private employers. The State was still the major employer, and the state-appointed union leaders did not view themselves as having conflicts of interest with the State.

The Ministry of Labor and the Ministry of Finance, in consultation with the CFTU, set the wages for various categories of government employees. In the small private sector, management establishes wages or negotiates them with those who contract for employment.

The trade union law does not mention strikes or cite a right to strike; however, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements. There were no reports of organized strikes during the year.

In August and September, bazaar vendors, who were not organized into unions, held strikes throughout the country. The vendors were upset about newly implemented tax laws and stall rental prices.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution specifically prohibits forced or bonded labor except as legal punishment or as may be specified by law. In addition, persons, including teachers and sometimes passersby in automobiles and busses, were forced to participate in the compulsory mobilization of labor for the cotton harvest.

The law prohibits forced or bonded labor by children. However, the large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest during the fall, continued to occur in some areas. Student labor in the cotton fields was paid poorly, and students sometimes were required to pay for their food.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years; 15-year-olds can receive state permission to work but must work a shorter workday. In rural areas, younger children often helped to harvest cotton and other crops (see Section 6.c.). The Labor Ministry has an inspection service, which is responsible for enforcing compliance with these and other regulations governing employment conditions.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded labor by children. However, compulsory mobilization of children, mostly in rural areas, did occur during the cotton harvest (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. By year's end, the minimum wage was approximately \$4.5 per month (4,500 soum). The minimum wage did not provide a decent standard of living for a worker and family. Average government salaries were approximately \$16 (16,000 soum).

The standard workweek is set at 41 hours and requires a 24-hour rest period. Some factories apparently reduced work hours in order to avoid layoffs. Overtime pay exists in theory but was not always paid in practice. Payment arrears of 3 to 6 months were not uncommon for workers in state-owned industries, and the problem appeared to be growing, including among government office workers and officials.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspection directorate in the Ministry. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Workers are permitted to leave jobs that are hazardous without jeopardizing their employability in other jobs; however, in practice, high rates of underemployment made such action difficult.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls from the country for the purpose of prostitution was a problem. One NGO reported that some local officials were involved in trafficking on a limited basis.

The law prohibits all forms of trafficking, including of minors, and provides for penalties, including prison sentences of 5 to 8 years for international trafficking. Recruitment for trafficking is punishable by 6 months to 3 years' imprisonment and fines of up to approximately \$750 (900,000 soum). The recruitment charge could be levied against international or internal traffickers. All law enforcement agencies are charged with upholding the anti-trafficking provisions of the criminal code. The national police reported they were investigating 20 cases of trafficking. Although there were no prosecutions for trafficking reported, by year's end, the national prosecutor's office reported there were 3 ongoing investigations.

The Government has taken some measures to combat trafficking in persons, including passage of anti-trafficking laws. The national police assisted in the formation of an antitrafficking NGO run by retired police officers and dedicated to researching the issue. The Ministry of Foreign Affairs reported that they assist women who contact them for help. Border guards at airports were directed to give more scrutiny to unaccompanied young women traveling to Turkey, the United Arab Emirates (UAE), and South Korea; they are authorized to deny such women permission to leave the country.

The country was a primary source for the trafficking of women and girls for the purpose of prostitution. There were no reliable statistics on this problem; and it does not appear to be widespread, although anecdotal reports from NGOs indicate that the number of young women from Uzbekistan who are trafficked into prostitution abroad is growing. Many women were unwilling to come forward due to both societal pressure and the fear, in cases where they were trafficked, of retaliation from

their traffickers. There were credible reports that women traveled to the Persian Gulf, Malaysia, South Korea, Thailand, Turkey and Western Europe for the purpose of prostitution. Some transit of trafficked persons from neighboring countries and to or from countries for which Uzbekistan was a transportation hub (Thailand, Malaysia, Indonesia, India, Korea, UAE) may also have taken place.

Traffickers most often targeted young women between the ages of 17 and 30. Agents in nightclubs or prostitution rings solicited these women, many of whom previously engaged in prostitution. In large cities such as Tashkent and Samarkand, newspaper advertisements for marriage and work opportunities abroad were connected to traffickers. Travel agencies promising tour packages and work in Turkey, Thailand, and the United Arab Emirates (UAE) also solicited prostitutes. Women reportedly were promised jobs as dancers or waitresses in nightclubs or restaurants in the destination country. There were reports that in some cases traffickers recruited women with fraudulent job offers and that in some cases they may have confiscated travel documents once the women reached the destination countries.

Some officials of the Ministry of Internal Affairs, Customs, or Border Guards accepted bribes in return for ignoring their instructions to deny exit to young women they believe to be traveling abroad to work as prostitutes. One NGO reported that some local officials, operating on a relatively small scale, were helping women to obtain false passports in order to travel to Dubai to work as prostitutes.

There was no government program to educate or assist potential victims. One NGO reported that the police had agreed to notify it of any women returning from abroad who looked as though they might be trafficking victims.

There was one NGO that specifically addresses trafficking. Other NGOs attempted to gain information on the subject and in order to combat trafficking in persons.

An increased number of targeted newspaper articles discussing trafficked women and prostitution appeared in state controlled newspapers; however, advertisements soliciting women's participation in such schemes appear in these same publications. The state radio also began airing a weekly call-in show for women who were involved in the sex trade.

FEDERAL REPUBLIC OF YUGOSLAVIA¹

The Federal Republic of Yugoslavia (Yugoslavia or FRY) is a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro. On February 4, 2003, the Yugoslav parliament adopted the Constitutional Charter and Implementation Law, marking the end of the Federal Republic of Yugoslavia and the beginning of the state union of "Serbia and Montenegro." Yugoslavia has a president and a parliamentary system of government based on free and fair multiparty elections. Vojislav Kostunica was elected President of the Federation in September 24, 2000. Following governmental attempts to tamper with the results of that election, a peaceful revolution forced FRY President Slobodan Milosevic from power on October 6, 2000. In Serbian Presidential elections in September, Kostunica led all candidates but did not capture a majority of votes cast. Both the October runoff and the new elections in December failed because less than 50 percent of registered voters turned out to vote; a significant portion of the electorate deliberately chose not to vote in order to prevent Kostunica from winning under flawed election laws. Serbian Parliament Speaker Natasa Micic became acting Serbian President on December 30, pending presidential elections in 2003. Under the current constitutional framework, the Federation encompasses the relatively large Republic of Serbia (7.5 million people without Kosovo) and the much smaller Montenegro (650,000). However in March, with the mediation of the European Union (EU), Serbia and Montenegro negotiated the Belgrade Agreement by which the two republics agreed to redefine and recreate the joint state. This agreement established the guidelines for creating a joint state of "Serbia and Montenegro." The Constitutional Commission adopted the final text of the Constitutional Charter for the Union of Serbia and Montenegro on December 29, but by year's end had not agreed on necessary implementing legislation. The Montenegrin government has refused to participate in many of the functions of the Federal government and has acted unilaterally in several areas. The Federal government presides over a weakened structure, with responsibilities essentially limited to the Foreign Ministry, the Yugoslav Military (VJ),

¹ The report on The Federal Republic of Yugoslavia (FRY) is divided in three separate sections addressing the human rights situations in Serbia, Kosovo, and Montenegro. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, discussion of FRY activities and institutions affecting human rights will be included in the Serbia section.

the Customs Administration (in Serbia), civil aviation control, and foreign economic and commercial relations. Although President Kostunica enjoyed wide popular support, significant power was concentrated at the republic level. In Serbia Prime Minister Zoran Djindjic exercised executive authority. Djindjic also has represented Serbia in discussions and negotiations with the international community. The Constitution provides for an independent judiciary, but both the federal and the republic judiciaries were often ineffective and subject to political influence.

While civilian authorities generally maintained effective control of the security forces, there were some instances in which the security forces acted independently of government authority. The VJ is formally under the control of the Supreme Defense Council, made up of the Presidents of Yugoslavia, Serbia, and Montenegro. However, in practice the VJ Chief of Staff reported directly to the President of Yugoslavia, and was subject to only symbolic parliamentary oversight. The Federal government also controlled a small police force for security of federal buildings, officials, and some border enforcement. The Interior Ministry of the Republic of Serbia controlled the Serbian police, a force of approximately 25,000 officers responsible for internal security, border checkpoints, and fire department services. The Ministry of Interior also controlled a 400-member gendarmerie and a 100-member anti-organized crime unit. In April the Law on Security Services transferred control of the State Security (RDB) secret police from the Serbian Ministry of Interior to the Serbian government as a whole—in effect to the control of the Prime Minister. Although the police leadership changed after the October 2000 revolution, most police personnel, including some high-level officials, also served under former President Milosevic. Some members of the security forces committed human rights abuses.

Economic performance remained weak due to structural deficiencies, general inefficiency, and deterioration of capital and trade ties following a decade of isolation, economic sanctions, and war. According to the 2002 census, Serbia's population (without Kosovo) was 7,478,820 and per capita gross domestic product (GDP) was approximately \$1,020. GDP was expected to grow by 4 percent, fueled by a slight recovery of industrial production. Lack of purchasing power, high unemployment and underemployment restricted consumption. Unemployment was estimated at approximately 30 percent. The general level of corruption in society remained high and impacted economic efficiency. The Government's economic reform program helped improve the health of the banking sector and maintained a fragile macroeconomic stability. Inflation declined sharply from 38 percent in 2001 to an expected 15 percent at year's end. The private sector was widely evident throughout the country. The privatization of socially owned capital moved forward through accelerated auction privatization of 300 companies. The Government made \$160 million in revenues through recent tender privatization. Foreign aid was an important source of government revenue, and the Government used it to repair infrastructure and to care for a large population of refugees and internally displaced persons (IDPs).

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat detainees and harassed citizens, particularly Roma; however, police behavior improved somewhat following the December passage of the new Law on Criminal Procedure and its implementation in March. Police produced no results in investigations of many high-level killings committed during and after the Milosevic era. Arbitrary arrest and detention was a problem, although no longer a systemic problem.

The judiciary continued to be susceptible to political influence; poor cooperation between the judiciary and other government branches slowed the implementation of legislative reforms. Courts remained administratively paralyzed; corruption and incompetent judges remained a problem, and lengthy trials persisted. Direct police pressure on the media ceased, but libel suits from private individuals and indirect political manipulation contributed to self-censorship among journalists. The April Law on ICTY Cooperation resulted in some voluntary surrenders of indictees and the arrest and transfer of one indictee to The Hague. The Government transferred some documents to the ICTY and gave waivers for witnesses to testify on Senate matters. However, the ICTY remained dissatisfied with overall Yugoslav cooperation.

There were several incidents of societal violence or discrimination against religious minorities. Violence and discrimination against women, Roma and other ethnic minorities were problems. Trafficking in women and children remained a problem, which the Government took steps to address. Yugoslavia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The overall human rights record demonstrated that direct and systematic government oppression of citizens gradually came to an end during the consolidation of Yugoslav democracy that has occurred since 2001. The Government found solutions

to several significant problems inherited from the former regime. All ethnic Albanian political prisoners were transferred from Serbian jails to Kosovo, where they were freed. The Government established a multiethnic police force in areas of significant tension and, for the first time, conducted free and fair elections in majority Albanian parts of southern Serbia. Courts issued indictments and conducted trials against Serbs for war crimes committed in Kosovo and Bosnia. By year's end, five war criminals had been convicted and sentenced, two were still on trial, and four were under indictment. Passage of the Minorities Law protecting the rights of Yugoslavia's numerous ethnic groups fulfilled a major human rights requirement of the Council of Europe (COE), which on September 24 voted overwhelmingly to admit Yugoslavia following the ratification of the Constitutional Charter.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings committed by the Government or its agents.

The region of southern Serbia that borders Kosovo and encompasses the municipalities of Presevo, Bujanovac and Medvedja has the largest concentration of ethnic Albanians in Serbia proper. Following violent clashes between security forces and ethnic Albanian rebels of the Liberation Army of Presevo, Medvedja and Bujanovac (UCPMB), a peace plan agreed in May 2001 between the Government and rebels continued to hold. Since the peace plan was signed, Serbian security forces have moved freely within the Ground Safety Zone (GSZ) along the Kosovo boundary. Unlike in previous years, the GSZ was not a haven for armed ethnic Albanian extremists. Security forces killed one ethnic Albanian, Agim Agusi, a known smuggler. A VJ patrol spotted Agusi on June 9 while he was attempting an illegal border crossing near the village of Miratovac and fatally shot him after he refused VJ calls to stop. The Government issued a statement regretting the loss of life, and announcing an inquest into the shooting. Upon investigation, no charges were filed against the soldiers involved in the shooting.

In Belgrade suspicious circumstances surrounded the January death of Dejan Petrovic in police custody. Police officers claimed that Petrovic, allegedly a heroin user, jumped to his death from a high window of the station even though Petrovic's hands were cuffed at the time. The Belgrade Deputy Prosecutor had not decided whether to file charges against the police by year's end.

There were no developments in police investigations of numerous cases of political killings from previous years. These cases include: the August 2001 killing of former State Security officer Momir Gavrilovic; the November 2000 killing of Nebojsa Simeunovic, a former criminal judge; the April 2000 killing of Zivorad Zika Petrovic, the former Director of Yugoslav Airlines; the February 2000 killing of Pavle Bulatovic, the former Yugoslav Minister of Defense; the April 1999 killing of independent journalist and publisher Slavko Curuvija; and the 1997 killing of Radovan Stojicic, former head of Serbian public security.

In southern Serbia, ethnic Albanian extremists made several attacks on police installations, including attacks with hand grenades, automatic weapons and a land mine in which two Yugoslav soldiers were injured. Ethnic Albanians were purportedly involved in several other violent attacks. Police prevented attempts to place bombs in front of the Bujanovac post office and in the Bujanovac sewer system and arrested four ethnic Albanian youths in connection to the incident. On March 15, the last Serb house in the ethnic Albanian village of Lucane, Bujanovac Municipality, was destroyed by an explosion. In addition, security forces seized several caches of buried rebel arms. There were several attacks on family members of ethnic Albanian participants in the Multi-Ethnic Police Force (MEPF). In the most serious of these attacks, on April 4, Xhemaili and Ramize Rexhepi of Dobrosin (Bujanovac Municipality) were gravely injured when a hand grenade was lobbed into the bedroom window of their home.

On June 10, assailants killed former Belgrade police chief Bosko Buha. On October 29, police arrested three individuals in connection with the killing.

The trial of former State Security Service head Rade Markovic for the October 1999 attempted killing of opposition leader Vuk Draskovic that resulted in the deaths of four persons was still ongoing at year's end.

Government authorities made substantial progress in exhuming bodies and establishing procedures for identifying missing persons. In 2001 the Federal and Serbian governments revealed the existence of mass graves containing bodies presumed to be those of ethnic Albanians killed in Kosovo and transferred to mass graves in Serbia in 1999. During 2001 the Government also cooperated with international organizations and the International Commission on Missing Persons (ICMP) in exhuming

approximately 450 bodies. During the year, the Government and ICMP exhumed 408 bodies from 7 different grave sites, including bodies of war victims that had floated down the Danube and Drina rivers (see Section 1.b.).

Former FRY and Serbian President Slobodan Milosevic went on trial at the ICTY (see Section 4).

Domestic war crimes indictments and trials began in Serbia during the year. On October 23, the Belgrade District Prosecutor charged four former members of the Bosnian Serb "Avengers" paramilitary for abducting, torturing, and killing 16 Muslims from the Serbian town of Sjeverin in October 1992. Police took two of those indicted, Dragutin Dragicevic and Djordje Sevic, into custody pending trial; two other indictees, ICTY indictee Milan Lukic and Oliver Krsmanovic, remained at large, possibly in the Republika Srpska. On October 9, former Serbian Police Special Anti-Terrorist Unit (SAJ) squad member Sasa Cvjetan went on trial in Prokuplje District Court for killing 19 ethnic Albanians in Podujevo, Kosovo, in March 1999. The Prokuplje Court also tried in absentia an unapprehended SAJ squad member, Dejan Demirovic, for committing the killings along with Cvjetan. On November 9, citing concerns about security, fairness of proceedings, and access to ethnic Albanian witnesses, the Serbian Supreme Court transferred the trial from Prokuplje to Belgrade District Court, where proceedings were scheduled to resume in January 2003.

On October 11, the Nis Military Court sentenced four VJ personnel to a total of 19 years in prison for killing two ethnic Albanian civilians in the Kosovo village of Kusnin in April 1999. The military court convicted VJ privates Danilo Tesic and Misel Seregi of physically committing the killings; Lt. Colonel Zlatko Mancic and Captain Rade Radojevic were convicted for having authorized the killings. On July 1, the Prokuplje District Court sentenced VJ reservist Ivan Nikolic to 8 years in jail for killing two ethnic Albanian civilians in the Kosovo village of Penduh in May 1999.

On May 10, the Serbian Republic government provided important documents to the District Court of Bjelo Polje, Montenegro, in the war crimes trial of former "Avengers" squad member Nebojsa Ranisavljevic for participating in the killing of 19 mostly Muslim Yugoslav citizens kidnaped from a train at the Strpci station in February 1993. On September 9, Ranisavljevic was sentenced to 15 years in prison. The Serbian government released long-sought secret documents showing that high-level officials in the Serbian railway and the Serbian Interior and Justice Ministries at the least had foreknowledge of the danger faced by the Muslim passengers and did nothing to protect them. On September 9, the Bjelo Polje court sentenced Ranisavljevic to 15 years in jail for participating in the killings (see Montenegro, Section 1.a.).

b. Disappearance.—There were no reports of politically motivated disappearances.

In August the media reported that, during the last 15 years, midwives and doctors conspired to kidnap numerous babies at the time of their birth, telling the parents that the babies were stillborn or died during birth. Criminal rings then sold the kidnaped babies to families who believed they were legitimately adopting children. The criminal rings allegedly favored stealing individual babies from sets of twins, since the parents of twins were supposedly more willing to accept the loss. The media reports were sparked by instances in Kragujevac, Belgrade, and Novi Sad of parents recognizing children they believed to have been dead for years. Approximately 100 mothers who believe their babies may have been stolen have formed an association to demand police action.

There were no developments in the 2000 disappearance of former Serbian President Ivan Stambolic.

During the year, Federal and Serbian government authorities intensified cooperation with neighboring countries and international organizations seeking to identify missing persons and investigating mass graves discovered in Serbia (see Section 1.a.).

The Government also took a series of official steps to establish region-wide identification procedures for the remains of missing persons. In January the Serbian Health Ministry granted ICMP permission to collect blood samples from families of missing persons in Serbia. In February the federal government signed protocols with UNMIK establishing procedures for exchanging forensic data and expertise, verifying that no hidden prisons existed in either Serbia or Kosovo, and authorizing the cross-border repatriation of all Serb and Albanian remains. In June the FRY government authorized the transfer of blood and DNA samples from Yugoslavia to the ICMP regional database in Tuzla, Bosnia; this allowed the immediate transfer of all blood samples collected in 2001 to Tuzla for bar-coding and testing. In August the FRY hosted the first regional meeting of governmental Missing Persons committees from Croatia, Bosnia, and the Republika Srpska to agree on a joint monitoring process in Sremska Mitrovica. On September 10, the FRY and Serbian governments

officially opened an ICMP-donated, Serb-operated DNA identification lab at the University of Belgrade.

There were no developments in police investigations of the transfers and reburials of the bodies buried at Batanjica and other grave sites. At year's end, the Government had not yet begun searching for bodies thought to be located at the bottom of Lake Perucac and under a highway near Vranje.

In October 2001, Serbian police positively identified the remains of Agron, Ylli, and Mehmet Bytyci, Americans of Kosovo Albanian ethnicity who disappeared in 1999 after being delivered from a Serbian prison into the hands of unidentified Serbian police officers. Forensic examination confirmed that the three brothers were shot in the heads while their hands were bound with wire. The Serbian government transferred the remains to family members for burial on February 26. Despite a strong chain of evidence, there were no developments in the police investigation at year's end.

c. Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment.—Yugoslav and Serb laws prohibit torture and other cruel forms of punishment, and there were no reports of systematic abuse; however, police at times beat citizens and detainees, particularly Roma (see Section 5).

Instances of police harassment of ethnic Albanian in southern Serbia continued to decline dramatically. The improvement can be credited largely to the deployment of the 400-member Multi-Ethnic Police Force throughout Southern Serbia (see Section 5).

On October 27 in separate incidents, unidentified men thought to be police illegally detained and beat Nikola Maljkovic and Dragan Ilic before delivering them into regular police custody. Maljkovic and Ilic had been identified as suspects in the Bosko Buha killing (see Section 1.a.); both were hospitalized following the beatings. On August 18, in Vranje, police severely beat Nenad Tasic, who sustained broken ribs, a punctured lung, and severe brain damage. The Humanitarian Law Center filed suit and the Vranje Public Prosecutor has taken up the case. On March 16, Belgrade police beat several students while shutting down a late night party, then drove Milan Milovanovic to another location, where they beat him before releasing him. On March 5, Leskovac police reportedly clubbed a handcuffed Roma man, Nebojsa Majlic, causing him to lose consciousness; afterwards, the police filed criminal charges against Majlic for interfering with police performance of duty. The Majlic case was one of more than 100 cases of alleged police abuse in Leskovac reported by the Leskovac-based Committee for Human Rights.

There were no effective institutional means of overseeing and controlling police behavior, and the Government offered no assistance other than the courts for citizens with complaints about police behavior. However, defense attorneys and human rights workers reported some improvement during the year in the willingness of the police and the courts to take action in cases of police abuse. According to figures provided by the Serbian Ministry of Interior (MUP), the MUP initiated 649 disciplinary proceedings during the year, resulting in 27 arrests of policemen, 122 criminal complaints, 73 resignations, and 93 suspensions. Typically there were long delays in opening investigations and filing formal charges. Punishment for police officers rarely exceeded 6 months' imprisonment, meaning that police officers found guilty of abusing human rights were usually able to rejoin the police force after convictions. On November 1, a Novi Sad municipal court ordered the Republic of Serbia to pay compensation to Stevan Dimic, a Roma man unlawfully arrested and tortured by Novi Sad police in July 1998. On July 8, a Belgrade municipal court sentenced two police officers to three months in jail each for severely torturing a Roma man, Krsta Kalinovic, in 1998. On June 13, the Vrsac Municipal Court convicted two police officers of beating and torturing Georg Tani in 2000.

Some police and local border guards facilitated trafficking in persons. No police or border police personnel were arrested during the year for facilitating trafficking in persons (see Section 6.f.).

In August members of the Serbian nationalist group *Obraz* assaulted two organizers of a photographic exhibition displayed in Cacak. The exhibition, "Blood and Honey," featured photographs documenting abuses committed by Serb forces during the Bosnian war. Following this episode, the exhibition was cancelled in several cities, including Nis and Kragujevac. Cacak police charged *Obraz* leader Igor Ivanovic with assault; the trial began in Cacak municipal court on September 10. Later in September, "Blood and Honey" opened in Novi Sad under heavy police protection.

Prison conditions generally met international standards. Prison conditions have improved following a decade of Milosevic-era neglect that culminated in widespread prison riots in November 2000. The Council of Europe (COE) judged that Yugoslav prisons either met minimum standards for COE membership or, in those areas that were deficient, would meet COE standards within one year. However, conditions

varied greatly from one facility to another because of dilapidated buildings and lack of government funds for repairs. The Helsinki Committee for Human Rights noted that some prisons offered clean, secure environments for inmates; however, in some prisons—most notably, the Belgrade Reformatory Hospital housing psychiatric prisoners—inmates were forced to live in filthy, inhumane conditions. The quality of food varied from poor to minimally acceptable. Health care was often inadequate. Basic educational and vocational training programs were in place at most prisons, but they were limited by lack of resources. The level of training for guards was inadequate, and guards received extremely low pay.

There were no reports of deaths due to official negligence, and no reports of physical abuse, torture, or beatings of prisoners by guards, although some prisoners complained that individual guards often gave preferential treatment to favored prisoners. Some inmates complained that other inmates subjected them to intimidation and occasional assaults. There were no internationally recognized political prisoners remaining in Serbian jails following the March transfer of all Kosovo Albanian prisoners (see Section 1.e.), including political prisoners and common criminals, to UNMIK custody in Kosovo. Men and women were held separately, and conditions in women's prisons were the same as in men's prisons. Juveniles were supposed to be held separately from adults, although this did not always happen in practice. Pretrial detainees were held separately from convicted prisoners. Prisoners were not allowed to vote in the Serbian presidential elections in September and October.

The Government permitted visits by the International Committee of the Red Cross, the Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe. The Government also allowed local independent human rights monitors, including the Humanitarian Law Center (HLC) and the Helsinki Committee, to visit prisons throughout the country and to speak with prisoners without the presence of a prison warden.

Some witnesses and potential witnesses at ICTY experienced threats and intimidation in Serbia. In October Belgrade journalist Jovan Dulovic's family received threatening phone calls while Dulovic testified against Slobodan Milosevic. ICTY subsequently closed the hearings after the FRY government expressed its concern. In August a former police officer who had offered to testify at ICTY about atrocities he witnessed in Kosovo was forced to flee the country after repeated telephone threats against him and his family.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The new federal Criminal Procedure Code that took effect in March created strong regulations protecting the rights of detained and accused persons (see Section 1.e.), including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations.

A new federal Criminal Procedure Code (ZKP) enacted in December 2001 entered into effect in March. According to the Belgrade Center for Human Rights, the ZKP provided better human rights guarantees to suspects and defendants in criminal proceedings than the previous criminal code. In October both HLC and the Yugoslav Lawyers' Committee for Human Rights (YUCOM) reported that, in spite of occasional abuses, police generally acted in accordance with the regulations introduced by the new ZKP. The ZKP mandates that a citizen can be arrested only with a judge-authorized warrant. Police must refer an arrested suspect immediately to an investigating judge, who must approve any detention of more than 48 hours. Arrested persons must be informed immediately of their rights, including the right to confidential conferences with a lawyer. No suspect can be detained for more than 3 months without the decision of a judge, and no one can be detained for more than a total of 6 months. The ZKP prohibits the use of force, threats, deception, coercion, and prohibits courts from using evidence acquired by those means. A suspect may make a statement only in the presence of counsel. The ZKP restricts the time from indictment to the conclusion of first instance trial to two years; appeals to second instance courts must be completed within one further year. Only the competent court can take a person into custody, and only in the cases it specifies. A person wrongfully detained can demand rehabilitation and compensation from the State. Bail was available. Due to the inefficiency of the courts, cases often took excessively long to come to trial; and, once started, trials often took excessively long to conclude.

On February 24, Belgrade police illegally detained Miroslav Gajic overnight in a solitary confinement cell. The next morning a magistrate apologized to Gajic and said that he had been unlawfully detained.

Unlike in previous years, there were no reports of police detaining journalists or NGO members for "informative talks."

The Government released all remaining political prisoners on March 26. No internationally recognized political prisoners or political detainees remained in Serbian jails (see Section 1.e.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence, although to a far lesser degree than under the former Milosevic government. The courts were highly inefficient—cases could take years to resolve—and there were no official channels for alternative dispute resolution. The Serbian government and judiciary made little progress in implementing the extensive organizational reforms mandated in the November 2001 laws on courts, judges, public prosecution, and High Judicial Council. With international help, the Serbian Judges' Training Center organized educational programs offered throughout the country. International organizations and local NGOs like HLC and the Belgrade Center for Human Rights (BCHR) also conducted training for judges during the year. In August the Government raised regular judges' salaries to a base salary of approximately \$500 per month (30,000 dinars).

The court system is made up of local, district, and Supreme Courts at the republic level. The 2001 Law on Courts mandates the establishment of an administrative appeals court and a second instance appeals court to lighten the burden of the Supreme Court; however, due to lack of funds and bureaucratic inertia, no new courts were established by year's end. On the federal side, there is a Federal Court and a Federal Constitutional Court to which Republic Supreme Court decisions, depending on the subject, may be appealed.

The military court system inherited from the Tito era presents little transparency in its operations. Under the terms of the federal Constitutional Charter approved by the Federal Constitutional Commission on December 29, military courts are scheduled to be taken over by the civilian judiciary in the first half of 2003. However, at year's end the legislation needed for implementing the charter had not yet been passed. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the republics' authorities to enforce its rulings. The Constitutional Court remained staffed by some judges appointed during the Milosevic regime. A majority of judges on the Serbian Supreme Court were Milosevic appointees.

The Law on Judges mandates that judges have lifetime tenure with mandatory retirement at age 65. The Law on Courts establishes a Supreme Court-dominated High Judicial Council to appoint judges and public prosecutors; the law also creates another primarily judicial body, the High Personnel Council, which acts to discipline and dismiss judges. However, these self-governing judicial bodies did not begin functioning during the year, and the Serbian judiciary remained at a standstill in regard to appointments and discipline of judges.

In November and December, the Serbian Public Prosecutor submitted all public prosecutors, deputy prosecutors, and staff to review for general competency and previous conduct, including during the Milosevic era. The result was that approximately one-third of Serbian Public Prosecution personnel were dismissed or forced into retirement by the end of the year.

Although the Government dismissed all court presidents following the October 2000 revolution, most Serbian judges were Milosevic-regime appointees. During the year, the Government exerted intense pressure on the courts for dismissal of judges who profited illegally or subverted legal order under Milosevic. In June Serbian Justice Minister Vladan Batic attacked leading judges in the press and brought television crews unannounced into courthouses to dramatize his claim that many judges ignored their duties. However, the reformist leadership of the judiciary resisted government pressure, arguing that the principles of judicial independence and due process were more important than getting rid of the judges with speed, even if they were guilty of abuses under Milosevic. In July the Serbian parliament passed amendments to the judicial laws giving a parliamentary judicial committee the power to bypass the judicial branch in nominating, appointing, and dismissing judges and court presidents; however, the Constitutional Court struck down the amendments because they violated the independence of the judiciary. There were no trials of former court presidents or judges who committed abuses during the Milosevic regime.

Under Federal law, defendants have the right to be present at their trials and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. Both the defense and the prosecution have the right to appeal a verdict. Defendants are presumed innocent.

In July the Serbian parliament passed the Law on Suppression of Organized Crime, creating a semi-independent Special Prosecutor, a special police investigative

unit, specialized court chambers, and a dedicated detention unit. The Special Prosecutor's competencies include war crimes as well as organized crime. Some human rights activists have expressed concern that the special police force's expanded powers to investigate and detain suspects could lead to abuse. Changes to the federal Law on Criminal Procedure allowing for implementation of the Special Prosecutor law were passed in December.

The Federal Criminal Code was still in effect, although it was amended several times since 2000.

In April the VJ reported that military courts had tried 188 active duty VJ members and had filed charges against an additional 42 for crimes committed in Kosovo. According to the VJ, 15 cases were still under investigation. The VJ also reported that it had ceded cases against 137 former VJ members to civilian courts. These were criminal indictments rather than war crimes indictments that included: Murder, rape, and armed robbery.

All internationally recognized political prisoners held in Serbian jails were released during the year, bringing to an end the controversy following the transfer of approximately 2,000 ethnic Albanian prisoners to Serbia during NATO's bombardment of Kosovo in 1999. Following the terms of the November 2001 "Common Document" on Kosovo cooperation signed by the FRY government and UNMIK, international panels of judges examined the cases of all ethnic Albanian prisoners held in Serbian jails and all Serbian prisoners held in UNMIK jails. Serbian prisoners in UNMIK custody were given the option of transferring to prisons in Serbia. On March 26, the FRY government authorized the Serbian government to transfer 146 ethnic Albanian prisoners from Serbian jails to UNMIK custody. Those released included 89 common criminals and 57 "political prisoners" who were convicted of terrorism and anti-government activities in flawed trials from 1998 to 1999. UNMIK authorities immediately freed all political prisoners and a majority of the common criminals. Two Kosovo Albanian common criminals elected to remain incarcerated in Serbia at their own request due to fears for their safety among other ethnic Albanians in UNMIK prisons; UNMIK interviewed the two and verified that they made their decisions voluntarily.

On July 14, Serbian police arrested Taljif Aljetic, an ethnic Albanian traveling through Serbia from northern Europe to Kosovo. Aljetic was charged with "hostility to the state." According to the agreement between UNMIK and the FRY, Aljetic and any other Kosovo Albanian prisoners held in Serbia had the option of transferring to UNMIK custody. The Serbian Justice Ministry was excessively slow in processing Aljetic's transfer, which took place in December. Two other ethnic Albanians convicted of common crimes—Saban Mujovic and Gezi Hotovic—were also transferred to UNMIK custody in December.

Amnesty for former members of the UCPMB, an integral part of the Covic Plan for peace and ethnic re-integration in Southern Serbia, has been respected in practice since the plan's adoption in May 2001. In June this amnesty was given the status of Federal Law.

There were no developments in the case of 24 Bosniak Muslims whose 1993 political convictions of crimes against the state were returned for review by the Supreme Court in 1996. The accused all lived freely, but while waiting for the charges to be cleared they were forced to live under the stigma of their earlier conviction, unable to exercise some basic rights of citizenship such as possession of a passport.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed upon these rights in practice. Federal law gives the Federal Ministry of the Interior control over the decision to monitor potential criminal activities; Republic-level laws give the Republic Ministries of the Interior the same control. The Federal Constitution includes restrictions on searches of persons and of premises; similarly, under the Serbian Constitution, police must enter a premise with a warrant, or if no warrant is obtained, they may only enter in order to "save people and property." Both the Federal and Republic governments generally respected these provisions in practice, with occasional exceptions.

Although there was no direct evidence, some observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones. Members of political factions, with no direct evidence, accused other factions of using secret police and intelligence units to eavesdrop on them to gain political advantage. Although illegal under provisions of Federal and Serbian law, the Serbian post office also was believed by some to register and track suspicious mail from abroad.

The Government did not fulfill its promise to open to the public all secret files on persons collected under former regimes. The few files actually delivered to indi-

viduals who requested them had been cleansed of documents that might have contained sensitive reporting on the individuals.

The Government did not use forced resettlement; nor did it interfere in the spheres of family, appearance, or religious practice. The federal law requiring military service was not enforced during the year, and there were no forced conscriptions.

During the year, the authorities forcibly evicted a number of Roma, including children, from squatter settlements without offering them any alternative accommodations (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Federal law provides for freedom of speech and of the press; however, political pressure from various factions, an uncertain regulatory environment, and vulnerability to libel suits placed constraints on free expression by journalists, editors, and other individuals associated with the media.

In October 2000, the Government abolished the Law on Public Information, which former President Milosevic used to silence the independent media during the Kosovo crisis. In July the Serbian Parliament passed the Law on Broadcasting, creating a regulatory framework designed to foster free and independent media; however, the law had been only partially implemented by year's end.

Some observers believed that the continued lack of clear guidelines created an atmosphere unfriendly to free expression. Media independence remained a problem. Political parties continued to compete for position and influence in the media; and some media outlets clearly attempted to curry favor with the Government in hopes of receiving favorable treatment once new media reform laws are adopted. Some media outlets practiced self-censorship and were reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo. Television coverage of the Milosevic trial at ICTY tended to be sketchy or defensive, with the notable exception of Radio/TV B-92, which broadcast the proceedings live.

Selective privatization of media during the Milosevic era has left the country with a mixture of privately owned and government-owned media outlets. Tanjug was the state-owned news agency. The Government also owned Borba, which controlled one of the most important printing houses in the country, and published the dailies Borba, Sport, and Vecernje Novosti. The oldest nationwide daily, Politika, was run by several state-run companies and was influenced by the Government. The independent daily Danas and the weeklies Vreme and Nin supplemented the high-circulation tabloids Blic and Glas Javnosti for readership.

Two major independent TV stations, BK and TV Pink, which received advantageous treatment, including frequencies, under the Milosevic regime, had widespread coverage; TV Pink expanded into Montenegro during the year. The Government granted Radio/TV B-92 a temporary license to broadcast nationally pending the final allocation of frequencies. B-92 set up new transmitters to make itself a national channel that could compete with TV Pink and BK. Anticipating competition from B-92 in upcoming bids for national frequencies, TV Pink and the Montenegrin weekly Publika launched a brief but intense smear campaign against B-92's directors in October. TV Pink, the most widely watched station in the country, has shown editorial bias in favor of the Government since 2000.

State-controlled Serbian Television and Radio (RTS) was a major presence in television and radio. Aside from the three RTS channels, the State had considerable influence, although not formal control, over the major television stations: TV Politika, TV Novi Sad, and YU INFO, as well as Radio Belgrade's three stations. RTS's coverage was generally objective; however, it occasionally demonstrated some biases in favor of certain political parties. Management personnel could be politically influenced, since editors-in-chief were government-appointed. The Government funded a Hungarian language newspaper, and RTS provided some Hungarian language programming.

Libel remained a criminal offense. Though the Government itself did not use libel laws to suppress free expression in the media, the low threshold defining libel enabled former members of the Milosevic regime and government officials to win private cases against media outlets that criticized them. Libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offense will lead to immediate imprisonment. However, there were no reports of "conditional sentences" being issued to journalists. On May 14, Kikindske Novine editor-in-chief Zeljko Bodrozic was convicted of libel for reporting on the business deals of former Milosevic associate D Mitar Segrt. On September 25, the Kragujevac municipal court convicted journalist Gordana Bozic of libel for investigative reporting on shady deals involving political parties and youth organizations. In September businessman Dragan Tomic

began libel proceedings against RTS reporter Dragana Vasiljevic for the offense of reading on the air Tomic's official bank statements. On October 14, Democratic Party member Radisava Ljubisaljjevic initiated libel proceedings against B-92 for broadcasting public statements made by various political parties about Ljubisaljjevic.

The Government did not censor the media directly during the year. There were no reports of police stopping journalists for "informative talks." There was debate among some journalists about whether the ICTY infringed upon confidentiality rights in requiring selected journalists to testify at The Hague.

Journalists commonly practiced self-censorship. According to the HLC and BCHR, journalists censored themselves not for fear of offending the Government, but because of possible libel suits and fear of offending public opinion, particularly on subjects relating to wars in the former Yugoslavia.

Local authorities occasionally harassed journalists and sometimes had the power to dismiss journalists from posts in publicly owned media outlets. On October 12, Cacak mayor Velimir Ilic, enraged by critical reports broadcast on TV Cacak, telephoned insults to the anchorwoman and other reporters; Ilic and his bodyguards then appeared at the station and he continued the tirade, which included misogynist slurs against the anchorwoman. The director of TV Cacak resigned after the incident. On September 23, the Pirot Municipal Council announced that it would fire the editor and reporters of the local Sloboda Media Company for criticizing the actions of local authorities. In Leskovac the state-appointed editor-in-chief of the newspaper Nasa Rec threatened to dismiss three reporters for failing to sign a labor contract that expanded the editor's control of the paper. In October Vojvodina Assembly President Nenad Canak called a journalist at regionally owned Novi Sad Radio 021 and threatened to fire the editor for remarks made on the air.

There were no reports of extremist groups targeting journalists during the year. Blic News editor Zeljko Cvijanovic received numerous telephone threats in May after publishing articles on the Surcin organized crime clan's control of certain Serbian roadwork contracts. According to Belgrade's Association of Independent Electronic Media (ANEM), police did not attempt to find the source of the threats.

The Government did not restrict publishing or import of published materials; however, some religious groups complained that they were prevented from importing proselytizing literature beyond a government-set threshold (*see* Section 2.c.).

The Government did not restrict access to the Internet; however, there were reports that it selectively monitored e-mail correspondence (*see* Section 1.f.).

The Government did not restrict academic freedom. In April the Serbian parliament passed a new Law on Universities designed to protect universities from political interference. The law restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1990. The Education Council, a republic-level expert body or board of regents answerable to the parliament, sets general university policy, makes some administrative decisions, and determines general curricular goals. According to the law, university rectors and faculty deans will be selected by an academic body, the Scientific-Educational Council (Naucno-Nastavno Vece), without interference from the Ministry of Education. The law also provides for participation of student organizations in determining certain aspects of university policy.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The Government required private organizations to register; however, no problems with registration were reported during the year. Demonstrating groups were required to notify the police at least 24 hours in advance of the demonstration.

c. Freedom of Religion.—Federal and Republic laws provide for freedom of religion and Federal and Serbian governments generally respected these right in practice. There was no state religion; however, long-established religions, including the majority Serbian Orthodox Church, received some preferential consideration. The Government did not interfere in the public or private practice of religion.

Religious groups are required to apply to the Federal Ministry of Religious Affairs for registration. A new Federal Law on Religious Freedom that would require that religious groups register with the Federal Secretariat for Religious Affairs or the Federal Ministry of Interior had not passed by year's end.

The Jehovah's Witnesses reported that Serbian authorities limited the amount of literature they were allowed to import into the country; they claimed the amount they were permitted to import was insufficient for the missionary activities of the 8,000 members and friends of the community. The Jehovah's Witnesses also reported difficulties in acquiring land and approval for church construction and in obtaining visas for missionaries. Representatives of the Church of Christ claimed that Protestants had experienced difficulty in purchasing a building to be used for a soup

kitchen. The Church of Jesus Christ of Latter-Day Saints complained that the Government did not grant special visas to missionaries, who had to leave the country every three months to renew their visas.

According to the Law on Religious Freedom, primary and secondary school students are required to attend classes on one of seven "traditional religious communities." As an alternative to this requirement, students were allowed to substitute a class in civic education.

In 2001 the VJ announced its intention to introduce Orthodox, Catholic and Muslim religious leaders into military units. At year's end, only Serbian Orthodox clerics had been introduced.

Representatives of Belgrade's Islamic Community reported difficulty in acquiring land and government approval for an Islamic cemetery near the city.

The attitudes of ethnic groups in the region historically have been influenced strongly by religion, and most instances of ethnic discrimination have had at least some religious roots. There were instances of harassment and societal discrimination against some religious minorities, including the Catholic minority in Vojvodina.

Novi Sad police failed to respond to repeated complaints by members of the Muslim Gujak family, that over a period of three years they had been threatened, insulted, and on one occasion assaulted by their Serb neighbor, Momir Vujic. The HLC filed a criminal complaint against Vujic for abusing the Gujaks on ethnic grounds.

The Serbian Orthodox Church took action against the anti-Semitic claims made by one of its defrocked ex-members, Dr. Zarko Gavrilovic. Gavrilovic's statements were "energetically rejected and condemned" by the highest body of the Serbian Orthodox Church, the Holy Synod.

Minority religious communities, including Jews, Roman Catholics, Jehovah's Witnesses, and the Church of Christ report occasional incidences of vandalism, like the throwing of rocks at places of worship and spray-painting of nationalist or anti-Semitic slogans in Belgrade, Novi Sad, Sremska Mitrovica and other cities in Serbia. A Catholic Church in the Vojvodina town of Sremska Mitrovica was pelted with stones and spray painted with nationalist slogans and swastikas. Church of Christ leaders reported that acts of vandalism took place soon after television programs describing the work of "sects," where minority Protestant faiths are often grouped together with satanic cults.

On December 24, approximately fifty demonstrators prevented an Anglican Church Christmas Eve service from taking place at the Chapel of the Serbian Orthodox Patriarch's residence in Belgrade. The demonstrators refused to allow Anglican Priest Phillip Warner and more than two dozen worshippers access to the chapel. Patriarch Pavle, Metropolitan Amfilohije and President Kostunica, among others, condemned the protest. Belgrade Police announced December 29 that they had brought criminal charges against ten individuals involved in the blockade.

Serbia's Jehovah's Witness Community reported that one of its members, Sahiti Mirsad, served a five-month jail sentence because of his conscientious objection to serving in any part of the military, including non-lethal sections. Conscientious objection was an option in Yugoslavia, but conscientious objectors still were required to serve in the VJ, albeit in non-lethal capacities. There was no civilian option.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were reports of Muslims being singled out for unusually long searches at Serbia's border with Bosnia.

Under the previous government, many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia. Refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship. To address this problem, in February 2001 the Government amended the 1997 Citizenship Law to allow dual citizenship. However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards, presumably in the belief that that the benefits of refugee status are greater than those they would receive as citizens.

On October 29, the Governments of FRY and Bosnia and Herzegovina signed a Treaty on Dual Citizenship, which gave citizens from both countries the option of dual citizenship, with equal rights and privileges for travel between the countries. The treaty further secures the right of refugees to return by guaranteeing access to health benefits, social security, and other benefits earned while working in the previous country of residence. Bosnian Muslims crossing into Serbia from Bosnia were often subjected to lengthy searches by border police, while Bosnian Serbs were often allowed to pass quickly through border checkpoints.

The conflicts that occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 204,000 internally displaced persons (IDPs) from Kosovo, mainly Serbs, Roma, and Bosniaks. Most Serb IDPs from Kosovo rented inadequate lodging or were housed with host families or relatives; however, approximately 10,000 remained in collective centers. Visits by foreign diplomats to collective centers found them to be inadequate for other than emergency shelter. Collective centers were a drain on Serbian government resources. It was impossible to estimate unemployment figures among IDPs. Most families have moved three times or more in search of better schooling or employment opportunities. It is probable that many of them were employed either fully or part-time in informal sector enterprises, such as working in one of the many "gray economy" firms manufacturing clothes, furniture and other products. The Serbian government, with UNHCR support, started to close 62 collective center housing refugees from Bosnia and Croatia (but not those housing IDPs) by setting qualifications to remain housed in collective centers and seeking alternate housing for others.

The great majority of the approximately 10,000 IDPs who fled into Kosovo during the 2001 crisis in southern Serbia returned to their homes in Bujanovac, Presevo, and Medvedja municipalities following the implementation of the May 2001 Civic plan for resolving the crisis.

There were an estimated 40,000 to 45,000 displaced Roma living in the country. Roma faced a dilemma during the Kosovo conflict, as many Kosovo Roma were perceived as Serb collaborators. Living conditions for Roma in Serbia were, on the whole, extremely poor. Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would not remain in the community (see Section 5). If they did settle, it was most often in official collective centers with a minimum of amenities or, more often, in makeshift camps on the periphery of major cities or towns. The U.N. High Commissioner for Refugees (UNHCR) was in the process of identifying municipalities willing to cooperate in a program for resettling the Roma in more adequate living quarters.

The Constitution provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations assisting refugees. There were approximately 336,000 refugees from other successor nations of the Socialist Federal Republic of Yugoslavia. Of these refugees most (225,000) were from Croatia. The great majority of the several thousand ethnic Albanians who fled into Serbia in 2001 to escape the conflict in Macedonia have returned to their homes in Macedonia. The Government provides first asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Federal Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The FRY and the Serbian Republic each have a president and a parliamentary system of government. There were no Federal elections since September 2000.

In the Serbian presidential elections held on September 29, the primary vote-getters were FRY President Kostunica and FRY Deputy Prime Minister Miroslav Labus. Radical Party leader Vojislav Seselj came in third with a high number of votes. Although Kostunica received a plurality of votes, he did not receive a majority of votes cast. Kostunica also prevailed in the October 13 runoff election, but since less than 50 percent of the registered voters participated, the Republic Election Commission judged the election to have failed. In November the Serbian Parliament abolished the 50 percent threshold for runoff elections; however, the 50 percent threshold remained a requirement for first rounds of elections. When new Serbian presidential elections were held on December 8, once again Kostunica prevailed but the election failed because less than 50 percent of registered voters turned out to vote. In both the October 13 runoff and the December 8 new elections, a significant portion of Serbian voters deliberately stayed home to prevent Kostunica's victory by depressing the voter turnout. International monitors judged the elections to have been free and fair.

Incumbent Serbian President Milan Milutinovic's term of office expired on December 30. Milutinovic, an ICTY indictee, was succeeded as acting Serbian President by Serbian Parliament Speaker Natasa Micić.

During and after this year's Serbian presidential elections, Kostunica and some international observers complained that inaccuracies in the official lists of registered voters resulted in an inordinately high numeration of the 50 percent threshold. The

voters' lists also contained the names of a substantial number of voters who lived outside the country with no means of casting their votes. However, those inaccuracies could not have accounted for the shortfall in voter turnout. For several years prior to this year's elections, OSCE made strong recommendations for improving Serbian election laws, including eliminating the 50 percent turnout requirement. However, no Serbian political party worked to change the election law. The flawed process in the presidential elections was the consequence.

On July 28, free elections were held for the first time in the majority ethnic Albanian municipalities of Bujanovac and Presevo, as well as the mixed Serb and Albanian municipality of Medvedja. Serb parties had previously maintained power in these municipalities through gerrymandering and vote-stealing. Two new Serbian Republic laws, the Law on Local Self-Government and the Law on Local Elections, allowed direct election of mayors and a proportional system of voting guaranteeing multi-ethnic representation in government. Ethnic Albanian mayors were elected in Bujanovac and Presevo; and Albanian-led multi-ethnic municipal assemblies were elected in the two municipalities. Two re-run elections were held at certain polling stations in response to complaints by Serb parties about procedural irregularities. International monitors declared the elections to be free and fair.

In February the Serbian parliament passed a new Law on Local Self-Government instituting direct election of mayors and enlarged competencies to municipal and city governments, including greater flexibility in recapturing tax revenue for local needs. The law also increased citizens' ability to participate directly in local government by giving them the right to undertake civil initiatives and organize local referendums.

Following the end of Serbian parliamentary session in mid-June, the governing DOS coalition responded to Kostunica's Democratic Party of Serbia's (DSS) boycott of both the DOS Presidency and Parliament by expelling DSS from the DOS coalition. Subsequently, the Parliament's Administrative Committee voted to strip DSS of its 45 parliamentary mandates, maintaining that mandates belonged to the coalition rather than to the political parties in the coalition. In the fall, before the Federal Constitutional Court could rule definitively on the mandates controversy, DSS reached a political agreement with DOS enabling DSS to continue participating in the Serbian Parliament. Since the struggle over mandates took place in the interval between parliamentary sessions, parliamentary activity was not directly affected. DSS parliamentarians participated normally when the next parliamentary session began in November.

There were 10 women in the 178-seat Federal Parliament and 27 women in the 250-seat Serbian Parliament. There were four women in the Serbian Cabinet. Women were active in political organizations; however, they only held approximately 10 percent of ministerial-level and Parliamentary positions in the Serbian and Federal governments. Prominent positions held by women included: Speaker of the Serbian Parliament, Commissioner for Refugees, Minister for Social Welfare, the Minister for Transportation and Telecommunication, and President of the Serbian Supreme Court.

There were no legal restrictions on minority participation in political life. There were 20 minorities in the 250-seat Serbian Parliament. There was one minority in the Serbian cabinet and one minority in the Federal cabinet. Ethnic Serbs and, to a certain extent, Montenegrins, dominated the country's political leadership. In Vojvodina, where the Hungarian minority constituted about 15 percent of the population, many regional political offices were held by Hungarians. Jozsef Kasza, a Hungarian minority party leader, was Serbian Deputy Prime Minister. Few members of other ethnic groups were involved at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in November 2000. Roma have the right to vote, and there were two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac was a Rom. Ethnic Albanians, who took control of local government in two southern Serbian municipalities and partial control in a third, were underrepresented in the federal and republic governments. Ethnic Hungarians led municipal governments in Subotica and six other municipalities in northern Vojvodina. In the Sandzak, Bosniak Muslims controlled the municipal governments of Novi Pazar, Tutin, and Sjenica.

Some minorities, such as Hungarians and Bosniak Muslims, turned out to vote in percentages roughly equal to or greater than the general population's percentage of turnout. Roma continued their historical pattern of voting in extremely low numbers. Ethnic Albanians boycotted the September Serbian presidential election; however, they turned out in high numbers in the July municipal elections in southern Serbia.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Some NGOs, such as G-17, Otpor, and the Center for Free and Democratic Elections (CeSID) contributed to the Government's reform strategies at the highest level. Others, such as the HLC, Yugoslav Lawyer's Committee for Human Rights (YUCOM), and Helsinki Committee for Human Rights in Serbia (HCS), frequently offered citizens the only chance for redress when government institutions fail to protect basic human rights. There were no reported cases of government harassment of human rights NGOs, which were highly independent in their assessments of government actions. HLC, YUCOM, Belgrade Center for Human Rights (BCHR), the Leskovac Council on Human Rights, and the Center for Antiwar Action researched human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. HCS and BCHR published annual surveys on human rights issues in Yugoslavia; HCB also cooperated with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In the Sandzak region, two committees monitored abuses against the local Muslim population and produced comprehensive reports. Most of these organizations offered advice and help to victims of abuse.

The Government worked in partnership with international and local NGOs in a number of areas affecting human rights during the year, including monitoring of elections (CeSID), monitoring of official corruption (Otpor), legal and judicial reform (YUCOM, HLC), the drafting of the new criminal code (BCHR), judicial education (HLC, Belgrade Center for Human Rights), refugee return (Serbian Democratic Forum, HCB), identification of missing persons (ICMP), and the fight against human trafficking (ASTRA, Counseling against Family Violence).

The Yugoslav and Serbian governments made some progress in cooperating with the ICTY, particularly in the field of developing an improved legislative framework for complying with ICTY requests. In April the Federal Parliament adopted a Law on Cooperation with ICTY and formed a National Council for ICTY Cooperation chaired by Foreign Minister Goran Svilanovic. However, the Law on Cooperation only authorizes transfer of those already indicted at the time the law entered into force; it does not apply to potential future ICTY indictees. Upon adoption of the law, the Government made a public call for ICTY indictees to surrender for transfer to The Hague. A number of indictees surrendered in response to this call, including former Chief of General Staff of the Yugoslav Armed Forces Dragoljub Ojdanic, former Deputy Federal Premier Nikola Sainovic, Major General Mile Mrksic, former President of the self-styled Republic of Serbian Krajina Milan Martic, and Momcilo Gruban. Indictee Ranko Cesic was arrested and transferred to ICTY representatives in June. Following the suicide of former Serbian Minister of Interior Vljeko Stojiljkovic, seventeen ICTY indictee-citizens of the FRY remained at large. Former President Milan Milutinovic left office on December 30 and, as an ICTY indictee, lost his immunity from prosecution. Belgrade's Regional Court began the legal process that should lead to Milutinovic's transfer to the ICTY by requesting the Serbian government's confirmation of the ICTY indictment against him. While the Federal and Serbian Republic governments contended that they had no information confirming the presence of these indictees on Yugoslav territory, these contentions were vigorously challenged by ICTY's Chief Prosecutor Carla Del Ponte.

In addition to the transfer of indictees, the Yugoslav and Serbian governments cooperated with the ICTY through the transfer of some documents and through enabling the testimony of witnesses. During the year, the Yugoslav National Council for ICTY cooperation provided access to documents on crimes against ethnic Serbs and furnished the ICTY with documents including records from 17 sessions of the Supreme Defense Council, Yugoslav National Bank records related to an alleged arms trader, and files from investigations and judicial proceedings against Serb Ministry of Interior forces for crimes committed in Kosovo. The National Council requested the declassification of an additional 172 documents, a first step towards the transfer of documents to ICTY prosecutors. In addition to answering numerous requests for information on the whereabouts of possible witnesses, the National Council enabled the testimony of over thirty witnesses by coordinating waivers from legal obligations to protect state and military secrets. ICTY continued to maintain that progress on these fronts was unacceptably slow.

During the year, domestic war crimes indictments and trials began in Serbia (*see* Section 1.a.).

Some witnesses and potential witnesses at ICTY experienced threats and intimidation in Serbia (*see* Section 1.c.).

There was no autonomous human rights ombudsman at either the Federal or the Republic level.

The Truth and Reconciliation Commission (TRC) founded by President Kostunica in 2001 continued to flounder because of a lack of shared purpose among its members and a lack of funds from the Government. The TRC held a roundtable in May, and in June hosted a presentation by the Netherlands Institute for War Documentation. In September the TRC sponsored public testimony by Bosnian Muslim and Serb family members of victims of the Srebrenica killings.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Federal and Republic-level laws provide for equal rights for all citizens, regardless of ethnic group, language, or social status, and prohibit discrimination against women; however, in practice the legal system provided little protection for such groups.

Women.—Violence against women was a problem and traditionally high levels of domestic violence persisted. The few official agencies dedicated to coping with family violence had inadequate resources and were limited in their activity by social pressure to keep families together at all costs. In March the federal Criminal Code was amended to make spousal rape as a criminal offense. Few victims of spousal abuse filed complaints with the authorities. There was no trained police unit to provide protection or assistance to female victims of sexual or other violence. The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hot line, and sponsored a number of self-help groups. The Center also offered assistance to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women for the purpose of sexual exploitation (*see* Section 6.f.).

Women did not enjoy social status equal to that of men, and relatively few women obtained upper level positions in government and commerce. Since changing regulations to allow women to serve as police officers in 2001, the Serbian police hired increasing numbers of women officers. Traditional patriarchal ideas of gender roles, especially in rural areas, subjected women to discrimination in many homes. In some more remote rural areas, particularly among some minority communities, women effectively lacked the ability to exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives. Women legally were entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage was 11 percent lower than the average wage of men. Women were granted maternity leave for 1 year, with an additional 6 months available. In urban areas such as Belgrade and Novi Sad, women were represented widely in many professions including law, academics, and medicine. Women were also active in political and human rights organizations.

Children.—The Government attempted to meet the health and educational needs of children. The educational system provided 8 years of free, mandatory schooling. However, economic distress affected children adversely in both the education and health care systems, particularly Roma children, who rarely attended kindergartens. Many Roma children never attend primary school, either for family reasons, because they were judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Roma children did not learn to speak Serbian, and there was no instruction available in the Romani language. Some Roma children were mistakenly placed in schools for children with emotional disabilities because Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. Many Roma children were trafficked within the Roma community in Serbia and to other Roma abroad to be used in begging and theft rings.

Traditionally there has been no societal pattern of abuse of children, but child abuse occasionally took place in the country.

The country was a transit country and, to a lesser extent, a country of origin and destination country for trafficking in girls for the purpose of sexual exploitation (*see* Section 6.f.). In August the media reported that, in the 1980s and 1990s, some newborn babies had been kidnaped by midwives and doctors and sold through criminal rings to adoptive parents (*see* Section 1.b.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, in practice facilities for persons with disabilities—mental and physical—were inadequate, and the Government did not make addressing this problem a priority. However, the law mandates access for persons with disabilities to new official

buildings, and the Government sometimes enforced these provisions in practice. The Government did not provide mobile voting for handicapped or ill voters incapable of coming to polling stations. Persons with disabilities were excluded from the category of eligible voters in the September-October Serbian presidential elections.

National/Racial/Ethnic Minorities.—Minorities constituted 25 to 30 percent of Serbia's population and included ethnic Albanians, Romani, Hungarians, Bosniak Muslims, Slovaks, Romanians, Vlachs, Bulgarians, Croats, and others.

The heavy police presence remaining in southern Serbia is in part due to credible threats of violent acts by radical elements of the ethnic-Albanian community. Incidents of police harassment against the ethnic Albanian population continued to decline dramatically. According to reports from local ethnic Albanian human rights organizations, VJ troops were responsible for most incidents of harassment in southern Serbia. Harassment by the VJ ranged from verbal abuse to confiscation of money to temporary detention from one to three hours. There were no reports of physical abuse or brutality. Due to the deployment of the MEPP throughout Southern Serbia, by year's end, training had been completed and MEPP cadets were on patrol. The OSCE's Mission to The Federal Republic of Yugoslavia trained cadets in modern police tactics at an international police training center in Mitrovo Polje.

Although some problems persisted, the Government's policy toward minorities has improved greatly since Milosevic's removal from office. In February the Government passed three laws benefitting Serbia's minorities. The federal Law on the Protection of the Rights and Liberties of National Minorities banned discrimination on national, racial, ethnic, and religious grounds and affirmed the right of significant minority communities to self-government and education in their own language. The Minorities Law stipulated the creation of a representative Federal Council of Minorities. The Serbian Republic's Law on Local Self-Government increased the political power and responsibility of municipalities, including greater power to recapture tax revenue for local uses. This law provided the basis for the municipal elections that brought ethnic Albanians to power for the first time in southern Serbia (see Section 3). The Serbian Republic's Omnibus Bill on Vojvodina granted increased powers of self-government to the historically distinct Vojvodina region of Serbia, although the law stopped far short of restoring the full autonomy that Vojvodina enjoyed until 1989. On November 4, the FRY and Romania signed a bilateral agreement designed to protect national minorities on both sides of the border. Federal Minister for Minorities Rasim Ljajic led a public education campaign for ethnic tolerance, instituting an annual national award for the promotion of tolerance.

Ethnic Albanian leaders of the Southern Serbian municipalities of Presevo, Bujanovac and Medvedja continued to complain of the underrepresentation of ethnic Albanians in state structures. Implementation of the Covic plan for peace and ethnic re-integration in the region, including the conclusion of the deployment of the Multi-Ethnic Police Force (MEPP) and free and fair democratic elections held in July and August, gave Southern Serbia's ethnic Albanians proportional representation in the police and control of local governments in municipalities where they made up a majority (see Section 3).

In mid-September, caravans of about 100 cars carrying Serbs from neighboring municipalities paraded through the heavily Muslim center of Novi Pazar on three nights following Yugoslav basketball victories, brandishing Chetnik regalia and chanting Serb nationalist slogans. On one of these occasions, several hundred Muslim youths gathered to confront the caravan; three Serbs and several policemen were lightly injured in the fight that followed. The Serbian government reacted quickly to defuse the situation, dispatching extra police and enlisting as mediator Federal Minister for Minorities Rasim Ljajic, himself a Bosniak Muslim from Novi Pazar. The October indictments for the 1992 Sjeverin killings marked the beginning of the first trial concerning past government abuses of Muslim citizens of the Sandzak (see Section 1.e.).

There were no reports of violence or harassment against ethnic Hungarians in Vojvodina during the year. Some members of the Vlach community in Bor complained about the Serbian Orthodox Church's refusal to conduct religious services in the Vlach language rather than in Serbian.

Roma continued to be targets of numerous incidents of police violence (see section 1.c.), societal discrimination, and verbal and physical harassment from ordinary citizens. Police often did not investigate cases of societal violence against Roma. The HLC reported that, on July 9 in the village of Americ, police searching without a warrant for weapons at the home of Elizabeta Djuric insulted and brutalized three children in their mother's absence, forcing a 16 year-old boy with mental disabilities to dig holes in the garden for two hours.

In February the federal Minorities Law recognized the Roma in Serbia and Montenegro as a national minority, explicitly banning discrimination and calling for gov-

ernment measures to improve their condition. Many Roma lived illegally in squatter settlements that lacked basic services such as schools, doctors, clean water, and sewage facilities. During the year, the authorities forcibly evicted a number of Roma, including children, from such settlements without offering them any alternative accommodations (see Section 1.f.). On November 13, the Vozdovac district of Belgrade evicted 50 Roma IDPs from Kosovo, including 32 children, from their settlement. In September the New Belgrade city government served eviction orders to 717 residents of a Romani settlement, many of whom were IDPs from Kosovo. After protests by local human rights organizations, the city promised to find alternative accommodations; however, on October 21 demolition of the settlement began without any alternative housing being provided. In April 27 Romani IDPs from Kosovo, including 17 children younger than 15, were forced out of a settlement in Vozdovac. Again in April, 67 Roma, including 27 children under the age of six, were displaced from a squatter settlement in New Belgrade because the city had sold the land to a private interest.

In Leskovac and the town of Pozega, Roma reportedly have been refused social welfare services for arbitrary reasons. The HLC reported that the Nis municipal garbage service never visited the Romani settlement Crvena Zvezda, a community of about 50 houses sharing only two running water taps, which often froze in the winter, leaving the entire community without running water. Roma IDPs from Kosovo were especially subject to discrimination and abuse. Most of them lacked identity documents, making it difficult for them to gain access to social services and state-provided health care. The Roma Educational Center reported that some Roma IDPs in Nis were mistaken for Kosovo Albanians and subjected to discrimination on that basis.

Some non-Roma refugees and IDPs suffered from discrimination. The HLC reported that the Serbian government did not allow some Kosovo IDPs to relocate their official places of residence to Kragujevac; in other words, the IDPs could not “check out” from their former residences in Kosovo. This deprived them of health insurance, social welfare, and normal access to schools. The Nis Council for Human Rights reported that the approximately 20,000 refugees and IDPs in the Nis area suffered from “quiet discrimination” in areas such as housing and employment.

Roma education remained a problem, and lack of official documents hindered their ability to receive services available to all other citizens. The UNHCR, with Serbian government support, has begun health education programs for Roma, and catch-up and head-start programs for Roma children.

There were some judicial actions in favor of Roma during the year. The HLC reported that in July the Sabac municipal court ruled in a Rom’s favor in a lawsuit claiming discrimination against Roma at a public swimming pool at Sabac. This was the first time that existing law had been used to prove discrimination against Roma. The municipal prosecutor in Bajina Basta dismissed charges by police against Roma citizen Stanisa Simic, who was detained by police and then indicted after he defended himself from Serb attackers in 2000. In January the HLC filed a lawsuit against a Belgrade disco club that repeatedly refused admission to Romani citizens.

The Bosniak Federal Minister for Minorities, Rasim Ljajic, was one of the more visible and influential members of the Government during the year. A Bosniak federal parliamentarian was appointed a member of the subcommittee responsible for drafting the federal charter, but in November he boycotted the committee protesting that the Sandzak would not receive sufficient autonomy under the new charter. Bosniaks led local governments in the three majority-Muslim municipalities in the Sandzak region. In Novi Pazar, the municipal government gave the Bosnian dialect official status as allowed under the new Serbian Law on Local Self-Government. All seven Sandzak municipalities—Novi Pazar, Tutin, Sjenica, Pribor, Prijepolje, and Nova Varos—had multi-ethnic municipal assemblies

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association; all workers except military and police personnel have the legal right to join or form unions and workers did so in practice. There were approximately 1.8 million employees in the socially-owned state sector and 361,000 persons in privately-owned companies. An additional 500,000 persons worked in the unofficial economy and were not registered employees. In the socially-owned state sector, 60 to 70 percent of workers belonged to unions. In the private sector, only 4 percent were unionized and in agriculture, 2 to 3 percent. The Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS), formally affiliated with the Socialist Party of Serbia, whose President remained Slobodan Milosevic, claimed 1.8 million members, although this number was estimated to be closer to 800,000 in practice. The largest independent union was the United Branch Independent Labor Unions (Nezavisnost),

which had approximately 600,000 members. The third largest union was the Association of Free and Independent Trade Unions (AFITU), which had approximately 200,000 members. Most other independent unions were sector specific, and had approximately 130,000 members. Due to the poor state of the economy, one-third of union workers, or 600,000 persons, were on long-term mandatory leave from their firms pending improvement of the economy. The largely splintered approach of the independent unions resulted in few achievements in terms of increased wages or improved working conditions.

In December 2001, a Serbian government labor law that had been approved by the International Labor Organization (ILO) entered into force. The law significantly differed from the previous Socialist law by giving more power to employers and diminishing the rights of employees. For example, the law makes it easier for management to fire workers; collective bargaining is obligatory, but signing a collective agreement is not obligatory and employees may sign individual work contracts; and public job announcements are no longer obligatory. The Serbian Parliament accepted thirty-three of approximately fifty union-proposed amendments on the Labor Law, but failed to adopt the key demand for a mandatory requirement for signing collective agreement with employees.

Antiunion discrimination was not a problem.

Unions can affiliate internationally; however, only Nezavisnost was recognized by the international community as completely independent from the Government. Nezavisnost was a member of the ICFTU and other international unions.

b. The Right to Organize and Bargain Collectively.—The signing of collective agreements is not mandatory for employers, although it was allowed. Unions have complained that without this provision, their role in the system was diminished. A union must have 15 percent of employees as members in order to be eligible to negotiate with an employer, or 10 percent of all employees in order to negotiate with the Serbian government or the local government.

Collective bargaining remained at a rudimentary level of development. Individual unions continued to be narrow in their aims and were unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (for example, job security protection, minimum safety standards, or universal workers' benefits) on which to negotiate. The overall result was a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. In April the agreement on improving the activities of Serbia's Social and Economic Council and improving social dialog was signed by the Serbian government, representatives of the three largest trade unions and the Association of Employers.

Security forces did not disrupt any strikes or arrest union leaders during the year.

The law provides for the right to strike; however, the Law on Strikes restricted the right for employees in "essential service production enterprises," such as education, electric power, and postal services, and these employees must announce their strikes at least 15 days ahead and must ensure that a "minimum level of work" is provided. This law covered approximately 50 percent of all employees. The independent unions, while active in recruiting new members, have not reached the size needed to mount countrywide strikes; however, unions held several strikes during the year. In January 7,000 employees of the four biggest state-owned banks unsuccessfully protested the closure of their banks. On January 23, 8,000 workers at one of the biggest textile factories, Yumko Vranje, went on strike for higher wages and replacement of management. In March workers at Yumko Vranje repeated the strike, which resulted in the resignation of the General Manager. On March 18, railway unions launched a general strike demanding new employment contracts and higher wages. After 11 days the unions accepted a 4 percent wage increase. In June taxis blocked roads throughout the country to protest the Government's policy on taxi drivers. Public workers, including teachers, health workers, students, and policemen, held strikes during the year. These strikes were for job security, higher pay and the regular payment of wages. In general job security fears, which stemmed from the high rate of unemployment, limited workers' willingness to strike.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, Roma children were often forced into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, although in villages and farming communities it was common to find younger children at work assisting their families. Children—particularly Roma—also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes or newspapers. In recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. The unemployment rate throughout Serbia was approximately 30 percent, but there were pockets, particularly in areas with large refugee populations or where industries have closed, where unemployment was much higher. It was estimated that almost one million people were engaged in the “gray economy,” while as much as 60 percent of all gray market employees also had official jobs.

The law prohibits forced and bonded labor including by children; however, Roma children were often forced into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings (see Section 1.c.).

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks and industrial and trading companies generally observed the minimum wage standard. The monthly minimum wage was approximately \$50 (3,000 dinars); however, this figure was roughly comparable to unemployment benefits and (at least theoretically) was paid to workers who had been placed in a mandatory leave status. The actual minimum wage was at the low end of the range of average net salaries, which was \$160 (9,900 dinars) per month. The minimum wage was insufficient to provide a decent standard of living for a worker and family. For example, the cost of only food and utilities for a family of four was estimated to be \$180 (11,600 dinars) per month. Private enterprises used the minimum wage as a guide but tended to pay slightly higher average wages.

Reports of sweatshops operating in the country were rare, although some privately owned textile factories operated under very poor conditions. In certain areas of the country, such as the Sandzak and the town of Cacak, there were many prosperous small businesses dealing in unlicensed items for export. For example, one furniture manufacturer employed 800 workers but, aside from their salaries, the factory workers received no other benefits. The official workweek, listed as 40 hours, was not respected because of massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. Because of the competition for employment and the high degree of government control over the economy, workers were not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; although there are laws that could be used to prosecute traffickers. Trafficking was a problem.

Serbian authorities have used pre-existing laws against kidnaping, slavery, smuggling, and prostitution to apprehend some traffickers. The penalties carried by such laws range from 1 to 10 years in jail. During the year, the Serbian police took 355 foreign women into custody, 60 of whom were identified as victims of trafficking and referred to the Belgrade shelter for trafficking victims. Federal and Serbian police have assisted in international investigations of human trafficking. Federal law prohibits extradition of Yugoslav citizens to other countries. By year’s end 30 criminal charges had been submitted to the office of the prosecutor for 62 offenses, resulting in three convictions.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit country for internationally trafficked women going to Kosovo, Bosnia, and points in Western Europe. The International Organization for Migration (IOM) estimated that between 6,000 and 7,000 women were trafficked through Serbia. Serbia was a destination for trafficked women, with brothels and nude dancing venues located along major transportation routes. No reliable estimate existed on numbers of women controlled by human traffickers in the country. Serbia did not traditionally serve as a major source country for trafficked women, but poor economic conditions have increased Serbian women’s vulnerability to traffickers. Trafficking in children for use in begging or in theft rings was a problem among Roma. Moldova, Romania, Ukraine, Russia, and Bulgaria were the primary source countries for women trafficked through Serbia.

Recruitment devices included advertisements for escort services, marriage offers, and offers for employment. Often women knowingly went to work as prostitutes, and later, once they left their country of origin in the hands of traffickers, discovered that they were prisoners. The women were recruited, transported, sold, and

controlled by international organized crime networks. The central point in Serbia for holding and transferring trafficked women was Belgrade.

There were no confirmed reports of government officials condoning or participating in trafficking, but trafficking in Serbia could not take place without the cooperation of at least some police, border guards, and minor officials.

During the year, the Government's inter-ministerial task force on human trafficking, Yugoslav Team for Combating Trafficking in Persons, worked with the OSCE and IOM to put together a basic program for assisting trafficking victims. In February a victims' shelter, along with a 24-hour hotline, was established in Belgrade. A Belgrade NGO, Counseling Against Family Violence, operated the shelter and hotline. The Serbian Ministry of Social Welfare established on its premises a National Coordinating and Counseling Center to receive potential trafficking victims from police and NGOs for screening, medical examination, and counseling before referring the women to the shelter or other appropriate venue. The International IOM managed repatriation of victims and repatriated approximately 80 women determined to be victims of trafficking during the year. IOM also opened a Regional Clearing Point in government-donated offices in Belgrade to collect information on trafficking from all the Balkan countries. The Serbian Interior Ministry reported that it began systematically distinguishing trafficking victims from prostitutes and illegal migrants during the year. To reach Serbian women and children vulnerable to becoming victims of trafficking, the Serbian NGO ASTRA completed the extensive public awareness campaign begun in 2001. Serbian Border Police reported that a well-established Beijing to Belgrade trafficking route was closed down when Yugoslav authorities imposed strict visa requirements and direct air links between Belgrade and Beijing were cancelled.

KOSOVO

Kosovo continued to be administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution called for "substantial autonomy and meaningful self-administration" for the persons of Kosovo "within the Federal Republic of Yugoslavia." UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serbian forces from the province. Since that time, the SRSG and UNMIK, with the assistance of the international community, have worked with local leaders to build the institutions and expertise necessary for self-government.

In May 2001, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the "Constitutional Framework"), which defined the Provisional Institutions of Self government (PISG). The PISG replaced the UNMIK-imposed Joint Interim Administrative Structure. In accordance with the Constitutional Framework, certain areas of governance, including that of foreign affairs and justice, were retained by the SRSG. The November 2001 general election created a 120-member Assembly with 100 seats filled by elected officials of all ethnicities and 20 reserved specifically for minorities. On December 10, 2001, the Central, or Kosovo Assembly held its inaugural session, with Nexat Daci heading the Assembly Presidency. On March 4, the Assembly, under Daci's leadership, selected Ibrahim Rugova as President of Kosovo and Bajram Rexhepi as Prime Minister. On October 26, municipal elections were held in all 30 municipalities, although Serbs living in Mitrovica effectively boycotted. International and local election observers concluded that the election was well organized, peaceful, and met international standards.

UNMIK Regulation 1999/24 established that applicable law in Kosovo included UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the date Slobodan Milosevic abolished Kosovo's political autonomy. This created a complex, and in some cases, incomplete set of codes. Since its establishment, UNMIK periodically has issued regulations to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bind all public officials, including judges, to respect international human rights law. The Constitutional Framework provides for an independent judiciary; however, both the international and local judiciary continued to be highly inefficient. As a result, defendants were often detained for lengthy periods pending trial.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo, known as the Kosovo Force or KFOR, continued to carry out its mandate to maintain internal security and defend against external threats. KFOR operations included the physical prohibition of the flow of personnel and materials from Kosovo to the Presevo Valley in southern Serbia and the Former Yugoslav Republic of Macedonia (Macedonia). KFOR increasingly transferred responsibilities for civilian law enforcement

to UNMIK's multinational police corps (CIVPOL); CIVPOL continued to transfer basic police authority and functions to the Kosovo Police Service (KPS), while maintaining oversight. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), continued to train and develop its disaster response skills, while also undertaking humanitarian projects throughout Kosovo. Some members of security forces committed human rights abuses.

Economic underdevelopment, in terms of employment, investment, manufacturing capabilities, and markets for goods, continued to plague Kosovo, which has approximately 2 million inhabitants. The post-conflict period has seen a dual struggle to repair the massive war damage to infrastructure and enterprises while facilitating the transition from a centrally directed economy to a market-based one. Construction became the strongest economic sector in the post-conflict period; the agrarian sector improved but did not reach prewar levels. Major industries had not reopened and the economy remained stagnant. Unemployment estimates for the predominantly ethnic Albanian population ranged between 40 and 60 percent. Unemployment among Kosovo Serb and other ethnic communities was higher, although some Kosovo Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. Significant criminal economic activity took place, particularly in the fuel sector, and smuggling was widespread.

UNMIK and the PISG generally respected the human rights of Kosovo's citizens; however, there were serious problems in many areas. In the course of official duties, one CIVPOL officer killed two persons. There were no killings by KFOR or KPS. A few killings resulted from attacks that appeared to be politically motivated. There were some deaths and injuries resulting from landmines. There were some kidnappings and disappearances. UNMIK's efforts to continue exhumation of gravesites and to pursue identification of remains were ineffective and slow. There were some reports that KFOR and CIVPOL used excessive force during arrests and one case of sexual assault by a member of CIVPOL. Some KPC members were accused of intimidation and extortion; however, KPC discipline improved. Some KPC members reportedly were directly involved in or materially supported political violence in the Presevo Valley and Macedonia, although less so than in 2001.

KFOR and CIVPOL used their powers of detention and arrest as provided under UNMIK regulation 1999/24. No abuses of these powers were reported during the year. Lengthy pretrial detention remained a problem, although the length of pretrial detention decreased during the year. In some cases with security implications, the Commander of KFOR (COMKFOR) issued extrajudicial executive detention orders, sometimes for lengthy periods. The SRSG also had this authority but did not exercise it during the year. The judiciary was at times subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process.

There were some restrictions on privacy rights. Local media and some international media organizations criticized UNMIK regulations prohibiting articles that might encourage criminal activity or violence as an infringement on freedom of speech and of the press. UNMIK occasionally limited freedom of assembly and forcibly disrupted some violent demonstrations. Religious tension and violence persisted, but at significantly diminished levels. Freedom of movement for ethnic minorities, most of whom were Kosovo Serbs, continued to be a serious problem; however, there were improvements in some areas. Efforts to promote refugee returns moved slowly, but there were some improvements during the year. Of the more than 200,000 members of ethnic communities (including approximately 170,000 Kosovo Serbs and 25,000 Roma) displaced after June 1999, few returned to Kosovo due to concerns about security, freedom of movement, and lack of employment opportunities. Despite this, some international agencies and nongovernmental organizations (NGOs) initiated small-scale organized returns projects and overall returns rose dramatically during the year to approximately twice the amount compared with 2001.

Violence and discrimination against women remained serious problems. The approximately 100,000 Kosovo Serbs who remained in Kosovo continued to live primarily in the north or in enclaves under the protection of KFOR. Societal violence against ethnic minorities continued to decline, but serious incidents still occurred. Trafficking in women continued to be a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by UNMIK, the PISG, or their agents. KFOR forces did not kill any individuals during security operations.

The trial of Sali Veseli, a former KLA officer, and four other suspects for the May 2000 murder of Ekrem Rexha (known as “Commander Drini”), also a former KLA commander, was postponed until the courts could locate a key witness, known as Hazer N, who they believed to be living abroad. In February authorities arrested eight suspects in the August 2000 killing in Istok of Democratic League of Kosovo (LDK) activist Shaban Manaj; several of those detained were former members of the KLA. All eight suspects were acquitted this year. In October several suspects were arrested for the October 2001 killing of Bekim Kastrati, a journalist with the LDK-linked newspaper, Bota Sot, and LDK bodyguard Besim Dajaku.

On December 17, the UNMIK-administered court convicted five former senior members of the KLA, Idriz Balaj, Daut Haradinaj, Bekim Zekaj, Ahmet Elshani, and Ramush Ahmetaj of the June 1999 killings of Kosovar Albanians Bashkim Balaj, Rexhe Osaj, Sinan Musaj, and Idriz Peja.

There were a small number of killings that may have been politically motivated; however, these cases significantly decreased from 2001. In these cases, the victims were either political party officials or members, or connected with high-profile political activity; however, there was no clear evidence of political motivation. On January 17, unknown assailants killed Smajl Hajdaraj, an LDK member of the Kosovo Assembly. No arrests had been made at year’s end. On October 27, Uke Bytyci, Mayor of Suhareke/Suva Reka municipality and the LDK local branch leader, as well as his two bodyguards, were killed in a confrontation with a family of local Democratic Party of Kosovo (PDK) activists during a victory celebration following his re-election. Two arrests were made and the two suspects remained in detention at year’s end.

There were no developments in several murders from previous years, including the following from 2001: The case of the LDK branch president and the President of Kline/Klina Municipal Assembly, Ismet Rraci, killed in April; the July killing of Ahmet Balaj, an LDK committee member in Mitrovica; the August killing of Qerim Ismaili of the Kosovo Democratic Initiative; and the shooting of two brothers, one of whom was a bodyguard of the mayor of Istog/Istok municipality, in December. Unresolved cases of politically-motivated killings from 2000 included the following: LDK politician Alil Dreshaj; cofounder of the LDK and President Rugova’s press advisor, Xhemail Mustafa; former KLA officer Besim Mala; a KPC officer and former KLA commander, Skendar Gashi; journalist Shefki Popova; and Pristina’s Director of Urban Planning, Rexhep Luci.

There were 68 killings of citizens in Kosovo during the year, compared with 136 in 2001. According to available figures, assailants killed 60 Kosovar Albanians, 6 Kosovo Serbs, and 2 persons of unknown ethnicity. Most killings of Kosovo Serbs and other minorities were ethnically motivated (*see* Section 5), but the majority of murders of Kosovar Albanians apparently were connected to family and economic rivalries and criminal activities. CIVPOL, working with the KPS, somewhat improved its case resolution and arrest rate during this year. Police reported 47 arrests for murder during the year: 43 other suspects were Albanians, 2 were Serbs, and 2 were of other ethnicities.

There were a number of assaults and six killings of ethnic Serbs during the year, including those perpetrated by other Serbs; however, attacks on Serbs and other ethnic minorities decreased (*see* Section 5). On October 15, one Kosovo Serb woman was killed by a landmine (*see* Section 1.c.). On February 22, an unknown gunman killed Kosovo Serb Lubica Kovacevic as she was walking home with her spouse, who was uninjured. On December 23, two Kosovar Albanians were arrested for killing Kosovo Serb Trajan Trifunovic that same day.

On February 21, CIVPOL arrested two Kosovo Serbs, Zoran Zigic and Sergej Zaporosac, for the February 2000 killing by a grenade attack on Kosovar Albanian, Muharrem Sokoli (*see* Section 2.b.).

Retaliatory violence, including killings, against Kosovar Albanians also continued (*see* Section 5). Some Kosovo Serbs continued efforts begun in 1999 to expel Kosovar Albanians and other ethnic groups from the northern part of Mitrovica; in some cases this resulted in the killing of ethnic Albanians (*see* Section 5). On July 6, CIVPOL and KFOR troops arrested eight Kosovar Albanians accused of the August 2001 killing of a Kosovar Albanian family of five, including three children. The motivation for the killing was believed to be the retribution for the father’s alleged co-

operation with Serb authorities during the 1999 war. Several of the suspects were members of the KPC and Kosovo Police Service.

As a result of the 1999 conflict, landmines and unexploded ordnance remained a problem, particularly in rural areas. During the year, eight persons were killed by landmines, compared with nine in 2001. These devices have killed 103 persons and injured 372 since June 1999. On July 31, six explosions took place in Klokot and one in Balance, predominately Kosovo Serb villages in the U.S. KFOR sector. In December two Albanian citizens were killed by unexploded ordnance just after they crossed the border near Gjakove/Djakovica. The U.N. Mine Action Coordination Center (MACC) completed its mission in Kosovo in December 2001 and transferred mine action activities to local institutions and UNMIK. International organizations and NGOs continued a widespread mine awareness campaign. KFOR patrols continued to find unexploded ordnance on an almost daily basis.

Kosovo's investigative, judicial, and penal systems, in addition to the International Criminal Tribunal for the Former Yugoslavia (ICTY), continued to work to ensure that perpetrators of the violence and ethnic cleansing in the 1998–99 conflict were identified and punished, but most of the perpetrators of killings and other brutal acts remained unpunished. Proceedings continued in Kosovo courts to adjudicate approximately 30 cases of alleged war crimes and genocide arising from the conflict, as well as killings dating from the period starting in June 1999. In September the Organization for Security and Cooperation in Europe's (OSCE) Legal System Monitoring Section issued a report on war crimes trials in Kosovo, which were being tried by majority international panels, that included statistics from November 1999 to July 2002. According to the report, as of July, there were four cases of war crimes under investigation. There were 10 pending indictments for genocide, 17 for war crimes and 6 for inter-ethnic murders. Two indictments for genocide had been dismissed.

Out of three prior convictions for genocide, two cases were reversed and retried; both defendants were acquitted. Out of 12 trials for war crimes since 1999, 5 concluded with a conviction and 7 with acquittal. However, of these 12, 11 were appealed to Supreme Court panels with international judges, and 8 decisions were reversed on appeal.

From 1999 to 2000, five prisoners convicted for genocide and four convicted of war crimes escaped from the UNMIK controlled detention center in Mitrovica. In 2000 trial proceedings for war crimes were suspended in the cases of eleven Kosovo Serb defendants who escaped detention. UNMIK Regulations prohibit trials in absentia; however, the charges remained outstanding at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

In November all charges against Gani Imeri, a KPC officer and former KLA commander, were dropped. Imeri was arrested for the 1999 kidnaping and disappearance of five Kosovo Serbs.

There was no information on the case of Marjan Melonasi, a journalist for Radio-Television Kosova who disappeared in Pristina in September 2000.

During the year, the reorganized Office of Missing Persons (OMFP) identified 141 persons: 56 through traditional methods and 85 through DNA testing. The Office has received 109 DNA results: 85 positive matches, 17 negative, 7 duplicates. As many as 4,233 persons remained missing and unaccounted for as a result of the armed conflict in 1999, including approximately 3,324 Kosovar Albanians, and 909 Kosovo Serbs and members of other ethnic groups. Of those missing, 164 were considered dead.

When ICTY closed its forensic operations, UNMIK appointed the CIVPOL Missing Persons Unit (MPU) as the focal point for identification of remains and for exhumation of additional gravesites as they were identified, the UNMIK Bureau of Missing Persons and Detainees coordinated political efforts. The initiative made slow progress on both fronts. According to the OMFP, since 1999 the ICTY exhumed 4,019 remains of individuals, of which 2,212 were identified and 1,807 were still unidentified. During the year, 339 sets of remains were exhumed, compared to 59 sets of remains exhumed in 2001—a significant increase which may be attributable to the OMFP reorganization during the year.

During the year, UNMIK reorganized the resources involved in the effort to resolve the large number of outstanding cases of missing persons from the 1999 conflict; this effort required the identification of recovered human remains. One central problem had been the frequent change of mandate, personnel and resources for the various offices that had been charged with dealing with these cases. Since its establishment, UNMIK reorganized the offices handling missing persons four times, changing lines of authority, competence, and scope of work. This resulted in delayed processing and, in some cases, a failure to appropriately preserve evidence, including human remains, for future investigations. In June UNMIK appointed a new

chief of the Office of Missing Persons and Forensics (OMPF) with authority to address all issues related to these cases, issues that had previously been divided among different offices. The new OMPF now includes the UNMIK CIVPOL Missing Persons Unit and the Office of the Medical Examiner, as well as an outreach office.

During the year, OMPF tackled some of the most pressing needs, including designing a program to train local experts to perform autopsies and identifications, meeting with the International Committee for Missing Persons to explore possible use of ICMP's DNA-led procedures and to discuss dealing with family members of the missing. The new Office of the Medical Examiner is slated to include an autopsy site and laboratory and teaching resources, and is expected to be staffed by ethnic Albanian and Serbian examiners. The OMPF was in the process of issuing death certificates for 910 bodies that were identified by ICTY in 1999 (203 certificates have been issued to date). According to OMPF, in some cases this process has been slowed by family members' desire to have an individual named as perpetrator of the cause of death.

Several demonstrations were held to protest against UNMIK and the international community for not doing enough to locate missing persons. On March 8, in Gjakove, a group of women staged a protest to call attention to the missing. On June 7, several hundred Serb members of the Association of Families of Missing and Kidnapped persons from Kosovo held a 1-hour protest in Gracanica over the alleged lack of activity by the international administrators in finding kidnaped Serbs and other non-Albanians. On June 13, more than 100 Kosovar Albanian mothers of missing persons began a 24-hour hunger strike in front of the Kosovo Assembly, demanding information on the fates of their children. On September 26, 40 parents, wives, and sisters of the missing gathered from different parts of Kosovo and went on a hunger strike in front of the Kosovo Assembly requesting information on more than 3,500 missing Kosovar Albanians.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits such practices; although the Constitutional Framework omits the U.N. Convention on Torture from its list of conventions incorporated by reference. There were no confirmed reports of the use of excessive force by KFOR and CIVPOL during arrests. One CIVPOL officer was charged with sexual assault. In February an Austrian CIVPOL officer was arrested for violating the civil rights of a Kosovar Albanian suspect. According to the complaint, after arresting a suspect, the CIVPOL officer, together with three Kosovo Police Service (KPS) officers, tried to force a confession by asking the suspect to dig his own grave and making him walk in a Kosovo Serb enclave wearing a sign that read "I hate Serbs." UNMIK police arrested all four officers but later released the three KPS officers. The U.N. reportedly suspended the CIVPOL officer's immunity, but he fled Kosovo and had not returned for trial at year's end. In March a child was injured when a KFOR soldier accidentally fired his gun as he was trying to disperse a group of children playing near the monastery in Decan/Decani.

Some credible reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. However, in general KPC discipline improved and reports of intimidation were less common. A number of KPC members were arrested, mainly for accusations of crimes against their fellow Kosovar Albanians, sparking charges that former KLA members were being targeted. On June 18 and 19, UNMIK police arrested the already suspended regional commander, Daut Haradinaj when he surrendered to police, and four other KPC members, in what was known as the "Dukagjini trial," and on August 10, they arrested suspended KPC commander Rrustem Mustafa, known as "Commander Remi." On December 17, the five suspects in the Dukagjini trial were convicted and given a sentence of several years each.

There were a number of reports of attacks on and threats against Kosovar Albanian political figures. In most cases, no suspects were identified; however, local observers often blamed these attacks on rival political party members. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases. On August 3, unknown assailants attempted to kill Tahir Zemaj, a former Armed Forces of Republic of Kosovo (FARK) commander and LDK activist. Zemaj publicly accused Ramush Haradinaj, the head of the Alliance for the Future of Kosovo (AAK) political party, of being behind the attack. On October 18, the house of an LDK activist in Kacaniku/Kacanik came under attack from grenades and firearms; there were no injuries. At year's end, no charges had been filed.

On August 29, Kosovar Albanians fired on Kosovo Serbs, apparently in a dispute concerning wood-gathering. When KFOR and CIVPOL responded, there was a 2-hour firefight involving the use of multiple automatic weapons; one CIVPOL officer received slight wounds and one Kosovar suspect was captured.

There were some reports of intimidation of UNMIK, OSCE, and KFOR officials, but no reports of attacks; however, there were reports of attacks on CIVPOL, KPS, and KPC officers. According to UNMIK CIVPOL, there were 656 arrests made for crimes committed against CIVPOL and KPS officers. These included offenses such as threats, burglaries, civil disorders, and resisting arrest. On May 17, a Kosovo Serb was arrested for the April 27 beating of KSP Officer Rahman Kelmendi. In November a CIVPOL officer was hit in the head with a rock during a demonstration against a Serb go-and-see visit in Grmovo, Viti/Vitina municipality. On November 2, the Kosovo press reported that a group of 20 Kosovo Serbs from the village Priluzje attacked an UNMIK police patrol, badly injuring one policeman and slightly wounding several others. The incident apparently broke out after a cafe owner was asked to close his establishment after midnight. There were no arrests. On November 11, unknown suspects fired shots at KFOR troops on patrol. No injuries were reported and no arrests were made.

Twice in September and once in October, CIVPOL reported that the home of a Kosovo Serb KPS officer in Viti was attacked. CIVPOL began an investigation in October, which was ongoing at year's end.

UNMIK police charged two of its officers with patronizing prostitutes in Kosovo. On July 31, six explosions took place in Klokot and one in Balance, injuring two KFOR soldiers. The investigations into both incidents were ongoing at year's end. On January 20, Kosovar Albanians Idriz Balaj and Teuta Balaj and their 2-year-old son were injured when an explosive detonated as they entered the front door of their home in Gjakove/Djakovica. The adults were active KPC members. On December 13, a car bomb exploded outside a restaurant in Pristina injuring at least 20 people.

A Kosovo Serb paramilitary group known as the "Bridgewatchers" continued to operate on and around the boundary between north and south Mitrovica. During the year, UNMIK CIVPOL attempts to arrest armed Bridgewarder members resulted in aggressive demonstrations and rock-throwing by large groups of Kosovo Serb bystanders (*see* Section 2.b.). On April 8, Kosovo Serbs threw rocks and hand grenades at UNMIK and CIVPOL officers during a violent demonstration; 22 CIVPOL personnel were injured. Occasionally, UNMIK and CIVPOL attempts to enforce the rule of law among Kosovo Serb civilians in the area such as traffic stops and arrests met with similar aggression.

Prison conditions generally met international standards; however, overcrowding and the need for repairs remained problems. There were five low and medium security prisons administered by UNMIK in Kosovo: Pristina, Prizren, Mitrovica, Peja, and Gjilan. In August international observers visited the one maximum-security prison, Dubrova, in Istog and noted significant improvements over previously reported conditions. The facility was enlarged and a medical clinic was improved by the donation of equipment and medicine. Male and female prisoners were held separately. Prisoners at Dubrova rioted twice during the year, both times in protest for better prison conditions. Conditions at Dubrova were indicative of conditions at prisons throughout Kosovo.

Dubrova prison housed older youth offenders between the ages of 17 and 21. As of August 29, 60 of the 598 inmates of Dubrova were between the ages of 17 and 21, 50 percent of whom had been convicted of murder. Inmates ages 17 to 21 were held separately from adult inmates. There was one medium security prison referred to as a "correctional and educational institution" that held juveniles under the age of 18, and women.

Pretrial detainees were held separately from convicted criminals; although they may be held in the same facility due to overcrowding, they were kept in separate cells. There was at least one hunger strike during the year, which was resolved through the involvement of the OSCE Ombudsperson.

Prison officials consistently permitted visits by independent human rights observers. KFOR maintained a detention facility at Camp Bondsteel for persons accused of war crimes, serious ethnic offenses and political violence, including armed extremism. A total of 179 persons were detained at Bondsteel this year; as of mid-November, there were no detainees being held (*see* Section 1.d.). Prisons and detention centers, including Camp Bondsteel, permitted the International Committee for the Red Cross (ICRC) full access to prisoners and detainees. In the absence of a formal agreement but pursuant to the OSCE's mandate for human rights monitoring, they also offered access on an ad hoc basis to the OSCE human rights observers. Only OSCE and ICRC observers were allowed to visit prisoners on a regular basis. In May the OSCE Ombudsperson attempted to visit a prison unannounced, but was denied access, and told that 24-hour notice was required. The Ombudsperson raised the issue with the head of UNMIK Pillar I (Police/Justice), who supported the re-

quirement of prior notice. The SRSG overruled Pillar I, and confirmed in writing the Ombudsperson's right to unimpeded, unannounced access.

d. Arbitrary Arrest, Detention, or Exile.—Under UNMIK regulation 1999/24, police may detain criminal suspects for up to 72 hours without charging them; however, sources reported that CIVPOL used the 72-hour investigation detention authority as a means of minor punishment with no intention of filing charges. Some judges also complained that CIVPOL did not always bring detainees before them by the expiration of the 72-hour period even when they intended to charge them and such cases were dismissed. Arrest warrants were issued and executed in an open manner by civilian authorities. The former Republic of Yugoslavia's criminal procedure, Article 197, permits pretrial investigative detention for up to 6 months, but UNMIK has decreed by Regulation 1999/26 that this period may be extended by up to an additional 6 months in cases where the suspected crimes are punishable by a sentence of over 5 years. In June the high-profile case involving the exceptionally lengthy detention of Afrim Zeqiri, a Kosovar Albanian accused of shooting three Kosovo Serbs in May 2000, was resolved when he was acquitted after being held for 2 years under an SRSG "executive order."

KFOR does not require arrest warrants to implement a safe and secure environment under UNSCR 1244; however, the detention process by KFOR is transparent. In some instances, the KFOR Commander (COMKFOR) intervened to continue the detention of persons not charged with a crime or ordered released by the courts, but deemed an ongoing security threat. COMKFOR may extend the period of detention in increments of 30 days. No abuses of this power were reported. There were complaints from police and judicial personnel that when KFOR detained persons suspected of crimes in connection with cases under KFOR's mandate to maintain a safe and secure environment, it sometimes did not deliver such detainees in a timely fashion (*see* Section 1.c.). During the year, KFOR detained 179 suspects, most for 72 hours or less. As of mid-November, there were no prisoners being held in KFOR's Bondsteel Detention Facility. By year's end, all detainees had been released or transferred to civilian facilities.

Lengthy pretrial detention continued to be a problem in cases of serious crimes; some detainees allegedly involved in ethnically based crimes were held on the basis of weak evidence. As of November 24, approximately 1,122 persons remained in pretrial detention in civilian prisons and detention facilities; 555 of whom had been sentenced.

Some observers and detainees claimed that there was an ethnic bias in the amount of time it took to bring some cases to trial.

In 1999 withdrawing Yugoslav forces took 2,000 Kosovar Albanian detainees into Serbia during the NATO bombing; by the end of March, Serbian and Yugoslav authorities had released all of them.

There were no reports of political detainees, although some Kosovo Serb defendants in war crimes cases and some former KLA members asserted that they were being held for political reasons.

The law prohibits forced exile, and there were no reported instances of its use.

e. Denial of Fair Public Trial.—The Constitutional Framework provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression remained an obstacle to judicial independence. Some judges and prosecutors reportedly were subject to outside pressure, including threats and intimidation, particularly in cases involving ethnic disputes. Some local judges also lacked basic legal skills needed to conduct investigations or trials. Courts suffered from lack of supplies, equipment, and administrative management. Additionally, prosecutors and defense counsel often lacked advocacy skills. Foreign governments and the OSCE organized numerous training programs for prosecutors and defense counsel during the year.

Supported by an Advisory Judicial Commission, in 1999 UNMIK re-established a court system in Kosovo that included a Supreme Court, 5 District Courts, 22 Municipal Courts, a Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. The Judicial Corps included 310 judges and 44 prosecutors, as well as over 456 "lay judges" (jurors) to assess the facts of the cases. There were 17 active Kosovo Serbs, 12 Gorani or Bosniak, and 2 Roma in the Kosovo Judicial Corps.

UNMIK concluded an agreement with the Government of Serbia that established a program for Kosovo Serbs who wished to apply for 1 of 40 vacant judge and prosecutor positions in the local Kosovo justice system. Kosovo Serbs applicants were given incentives, including help resolving housing claims, threat assessments, and appropriate protection. The Serbian government agreed to continue applicants' pension and health care rights under the Serbian regime. In filling the positions, Serbs

and all other ethnic minorities were to be given preference if otherwise equally qualified. The candidates were recommended by the Kosovo Judicial and Prosecutorial Council (KPJC) and the list was submitted to the Central Assembly, which wanted additional information on the candidates before it would endorse the list and submit it to the SRSG. The SRSG subsequently bypassed the Assembly and appointed the candidates from the KPJC recommended list. Offers were made in December and appointments continued at year's end.

UNMIK, working through the OSCE, also established several entities, which are expected to become local institutions, to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI) opened in February 2000 to train judges and prosecutors. The Department of Judicial Affairs established the Judicial Inspection Unit (JIU) to monitor judicial performance and make recommendations on both discipline and training. Since 2001 the KPJC has heard cases of judicial misconduct; in September 2001 the KPJC decided its first cases.

One court was comprised of international judges and prosecutors who were appointed by the U.N. to handle inter-ethnic and other sensitive cases. The international judiciary reported to and was managed by the UNMIK Department of Justice, which was under the authority of the SRSG. The local judiciary reported to the local Supreme Court and Chief Prosecutor of Kosovo. However, the international prosecutors could hear any case they deemed appropriate. UNMIK regulations did not explicitly provide for an independent judiciary.

Approximately 12 UNMIK-appointed international judges and 5 international prosecutors worked in the District and Supreme Courts parallel to local judges in ethnically or otherwise sensitive cases. However, UNMIK did not make public the criteria for which cases were to be assigned to international personnel and practice was far from transparent. In some instances, local judges refused to sit on panels with a majority of international judges for fear the community would hold them accountable for unpopular verdicts. Some international judges and prosecutors were not always familiar with applicable law in Kosovo.

The lack of a tracking mechanism to identify cases from arrest through closure reportedly has created an opportunity for corruption among prosecutors, court personnel, and defense counsel, although there was no specific information that corrupt practices have occurred. The lack of a tracking mechanism was also an obstacle to determining which police investigations are being pursued by the District Prosecutor.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary. However, as a result of the 10-year period of resistance to Yugoslav oppression during the 1990s and the consequent refusal of Kosovar Albanians to participate in Yugoslav structures, Kosovo only had 186 licensed attorneys to handle all legal work. More than 1,000 students were trained in law under a parallel academic system during the 1990s, but had no access to a Kosovo bar examination and were not licensed. The local Chamber of Advocates and UNMIK reached agreement on the substance of and modalities for a bar examination for Kosovo. The first examination in more than 10 years was held in December 2001. From December 2001 to December 2002, the bar exam was held five times; out of the 360 candidates who took the exam, 218 passed.

The defense bar, The Kosovo Chamber of Advocates, remained weak and disorganized, and was rooted in a passive approach to defense due to years of practice under socialist and authoritarian codes. The OSCE established a local NGO, the Criminal Defense Resource Center, to assist in addressing these problems and to serve the defense bar in capacity-building. NGOs and international donors conducted training for the defense bar in advocacy, practical skills and international human rights law. The Kosovo Chamber of Advocates, funded by the European Agency for Reconstruction, conducted a legal aid program throughout Kosovo. Legal aid was provided to all the citizens of Kosovo, mainly on civil and administrative law matters.

Some Kosovo Serb lawyers participated in the judicial system established by UNMIK in order to provide representation to Kosovo Serb defendants; however, many Kosovo Serb defendants were denied adequate representation when Kosovo Serb lawyers were unavailable or lacked sufficient freedom of movement to travel to their potential clients (*see* Section I.d.). The situation improved during the year. The Serbian Justice Ministry has a unit within the Serbian Defense Bar that works exclusively representing Serb defendants in Kosovo. Courts in Serbia and "shadow" courts operating in some Serb enclaves in Kosovo continued to handle cases; personnel in these parallel courts reportedly were paid by the Serbian Justice Ministry. A July agreement between UNMIK and the Serbian government was supposed to end this practice of receiving two salaries, but had not done so by year's end.

When they began hearing cases in early 2000, the courts faced a high backlog of criminal cases. International judges completed 33 criminal cases. By June local courts had tried 3,148 criminal cases, the vast majority were petty crimes and crimes against property; most resulted in fines or prison sentences under 6 months. Higher courts heard 302 appeals. Legal experts and human rights observers continued to fear that a fair trial would be unlikely in criminal cases involving ethnic minorities, and prosecuted or tried by Kosovar Albanian judicial personnel. As a result, such cases were routinely assigned to international judicial personnel. The judicial system also faces the problem of a lack of staff. The Pristina district prosecutor's office only had 2 prosecutors for more than 500,000 individuals.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Kosovar Albanian judges were unanimous in rejecting Yugoslav and Serbian law. UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined first to apply the Kosovo code in effect in 1989, then to proceed to the Yugoslav and Serbian codes to the extent that the first code was incomplete. Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although initially they largely were unacquainted with these laws. International organizations and NGOs have implemented programs to increase the judiciary's awareness and application of international human rights laws and conventions.

Although the compilation of criminal law generally met accepted international standards, it was considered unwieldy and incomplete. The SRSG-appointed Joint Advisory Committee on Legislation, comprised of Kosovar and international legal experts, completed a new draft Criminal Code and a new draft Criminal Procedure Code; however, UNMIK had not approved them by year's end.

There were no confirmed reports of political prisoners; however, some Serbs and former KLA members convicted by the courts of war crimes asserted that they were political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits these actions and UNMIK authorities generally respected these prohibitions in practice; however, a few individuals and local NGOs accused KFOR of using excessive force in executing arrests or weapons searches in private homes resulting in property damage.

On March 18, UNMIK issued a regulation on Covert and Technical Measures of Surveillance and Investigation. This regulation permitted police to conduct covert operations with the prior written approval of an investigative judge or public prosecutor.

Respect for private property rights continued to be problematic and interethnic property disputes stemming from the displacement of the 1999 conflict continued to be among the most serious obstacles to ethnic reconciliation. Withdrawing Yugoslav forces removed or destroyed most existing property records and this, combined with the disruption caused by 10 years of Serbian authoritarianism and massive property destruction, complicated property rights issues. It was particularly difficult to know how occupants of vacated properties could remain where they were living, how owners could rightfully reclaim their property, where returnees and internally displaced persons (IDPs) could live and build, and how potential investors could gain title to land before investing significant sums.

In Mitrovica Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovar Albanian properties, while Kosovar Albanians in the southern part of Mitrovica also refused Kosovo Serbs access to their property. A local initiative to allow access to property on both sides of the Ibar River in Mitrovica resulted in little progress. There were some evictions of illegal occupants in the southern or Albanian side, but none so far in the northern or Serbian side.

Civilians were also responsible for the destruction of private property, of which 523 cases of arson and 22 cases of looting were reported (*see* Section 5). There was evidence that Kosovar Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase at inflated prices in order to break up and erode Kosovo Serb neighborhoods through strategically targeted property purchases. A number of the cases of violence against Serbs may have been attempts to force persons to sell their property (*see* Section 5).

In August 2001, UNMIK enacted a regulation to prevent the wholesale buy-out of Kosovar Serbian communities and to combat the intimidation of minority property owners in certain geographic areas. The regulation mandated that Municipal Administrators approve every proposed sale of property (excluding agricultural land) between Kosovo Serbs, and other minority groups, to Kosovar Albanians. UNMIK did not implement this law effectively during the year, in part because of limited resources. The evaluation of each case was time consuming and many Kosovo Serb

owners were unable or unwilling to cooperate. The OSCE Ombudsperson and human rights groups criticized the regulation as limiting the ability of Kosovo Serbs to exercise their property rights.

A recently reorganized Housing and Property Directorate (HPD) has given greater confidence to Kosovars and the international community that it will be able to achieve its goal of receiving the majority of outstanding property claims from 1999, by its final deadline for submissions in June 2003. Since the arrival of a new director in October, HPD has significantly bolstered its ability to process claims, and was producing approximately 125 decisions on claims per week, as well as up to 30 evictions of illegal occupants per week. At year's end, HPD had collected 24,000 of an estimated 70,000 claims, had resolved 1,425 claims, and had evicted illegal occupants from 395 homes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—UNMIK regulations provide a framework for recognition of the rights to freedom of speech and of the press, and UNMIK generally respected these rights in practice. In 2000 UNMIK issued a regulation prohibiting newspaper articles that might encourage criminal activity or violence. Some local and international media observers criticized this as an infringement of freedom of the press.

UNMIK Regulation 2000/4 prohibits hate speech and speech that incites ethnic violence. Otherwise, individuals were not prevented from publicly or privately criticizing the UNMIK administration or the PISG.

Most print and electronic media in Kosovo were independent, but regulated by UNMIK. One Kosovar Albanian electronic media outlet, RTK television, remained publicly funded. Additionally, a foreign government funded two independent broadcast stations and several publications for Kosovo's minority communities. Neither UNMIK nor donor countries exercised editorial control over these media outlets.

Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. There were six daily newspapers in Albanian, all published regularly and locally. An economic-themed Albanian weekly started, but was published in Switzerland. The monthly magazine *Glas Juga* was the only Serbian language publication. It was published in the Kosovo Serb enclave of Gracanica and printed in Greece. The Bosniak weekly *Alem* was printed in Kosovo. Most of the main dailies were aligned with different political parties, although there were two independent daily newspapers.

At year's end, there were 79 radio and 24 television stations available in Kosovo. Of these 47 radio and 15 television stations broadcast only in Albanian, 20 radio and 7 television stations broadcast in Serbian only, 2 radio stations broadcast in Turkish, 3 radio stations broadcast in Bosniak, and 1 radio station broadcast in Gorani. Multi-ethnic stations broadcasting in Albanian, Serbian, Romani, Turkish, Bosniak, and Gorani included 16 radio and 2 television stations. Of these four radio and three television stations broadcast Kosovo-wide.

Libel laws were not used to stifle criticism of UNMIK or the PISG. UNMIK regulations 2000/36 and 2000/37 prohibit the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise. Complaints of libel were addressed by the Temporary Media Commissioner (TMC). During the year, the TMC sanctioned newspapers *Bota Sot* and *24 Ore* with fines after subjects of articles complained that reporting about them had been untrue and malicious.

Through its regulation establishing the Department of Post and Telecommunications, UNMIK controlled the broadcasting infrastructure while the OSCE oversees the Department of Media Affairs. In 2000 UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the TMC and the Media Appeals Board. The TMC was responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct. The Constitutional Framework provides for an Independent Media Commission and a Board of the Public Broadcaster, both to be independent of the PISG. UNMIK was actively working to establish both boards. In the interim, appointments to the TMC Media Appeals Board continued. In October the Kosovo Assembly announced the formation of a "Committee on the Media," the responsibilities of which remained unclear.

According to the Temporary Media Commission, there were no reports of physical attacks on journalists during the year.

The Government did not restrict or monitor access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—UNMIK regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited the right to assemble based on security concerns. No written permit is needed to hold a demonstration, but for police coordination purposes, organizers must notify UNMIK 48 hours in advance with the purpose, time, place, route, and contact person for the demonstration. In granting permits for organized demonstrations, regional UNMIK civilian police chiefs made a determination based on the potential for violence and the current security situation.

Civilian UNMIK police and KFOR units occasionally forcibly dispersed demonstrations that became violent or otherwise unmanageable. The police occasionally responded inappropriately. However, in most instances, UNMIK and KFOR authorities dispersed hostile protestors with minimal injuries.

On February 8, a protest organized by KLA-affiliated associations against the arrest of three former KLA members became violent when several hundred aggressive protestors attacked a small contingent of UNMIK and Kosovar police. In February the arrest of two Kosovo Serbs sparked fierce, but brief, street demonstrations in north Mitrovica by local ethnic Serbs (*see* Section 1.a.). On April 8, UNMIK police were subject to a violent protest by Bridgewatchers and their supporters, after a Bridgewatcher member wanted by police was arrested at a traffic checkpoint in north Mitrovica. A riot ensued, injuring 23 persons, including 19 UNMIK personnel. Special Police who were hit by hand grenade fragments from two devices thrown by Bridgewatchers. One arrest was made (*see* Section 1.c.).

On August 15, a demonstration in Decan turned violent and police officers reportedly responded with excessive force. Ultimately over 20 persons were arrested and several persons, both demonstrators and CIVPOL, were injured. A regional CIVPOL commander was suspended and disciplined for mishandling the situation.

On October 10, violence erupted in Peje when a group of Kosovo Serbs entered the town by bus to apply for pension payments. A mob of local Kosovar Albanians threw gasoline bombs and chunks of concrete at the bus, over the ranks of KFOR special police units and UNMIK municipal police. Police officers blockaded all major roads into and out of the town and dispersed the violent individuals using tear gas and plastic bullets. Safe passage out of the municipality for the Kosovo Serbs was quickly established, and there were no reports of injuries on either side. Within days police arrested five persons suspected of inciting the violence.

UNMIK regulations provided for freedom of association, and the Government generally respected this right in practice; however, during the municipal election campaign in September and October, UNMIK, following a PISG decision, barred political parties from using public school buildings for political meetings and rallies. This was a serious obstacle to campaigning in many areas since often the only indoor sites suitable for a large gathering were local schools. Two weeks prior to the election, UNMIK and the PISG suspended the policy, allowing civilian police to issue permits for peaceable assembly of political organizations in public school buildings after hours.

In its regulations governing the definitions of and registration requirements for both political parties and NGOs, UNMIK stated specifically that such regulations did not affect the right to association.

c. Freedom of Religion.—The Constitutional Framework provides for freedom of religion, and UNMIK and the newly established provisional Kosovo government generally respected this right in practice. Kosovo is a secular society with no state religion. There are no specific registration or licensing regulations for religious groups; however, the requirement that NGOs must register affected some religiously-based organizations, although it was not regularly enforced.

The majority of the population was Muslim with significant numbers of Serbian Orthodox and Roman Catholics. Religion and ethnicity were intertwined so closely that it was difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. However, the political identities of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have had religious roots. Kosovo Serbs identified themselves with the Serbian Orthodox Church, which defined not only their religious but also their cultural and historical perspectives. Muslim and Catholic communities tended to cooperate along ethnic lines, as both groups were ethnic Albanians. Significant parts of the Kosovar Albanian community continued to view the Serbian Orthodox church with hostility and suspicion based on the high-profile political role often played by Serbian Orthodox clergy both in the past and present, as well as the frequent use of Serbian Orthodox symbols by Serbian extremists.

Societal violence against Serbs in Kosovo continued to decrease during the year, although this trend was marred periodically by incidents of ethnically motivated violence, harassment, and intimidation. Serbian Orthodox clergy sometimes have encountered rock-throwing while traveling and in the vicinity of some religious sites. Monks and nuns at some monasteries also reportedly were unable to use parts of the monasteries' properties due to safety concerns. Security concerns had a chilling effect on the Kosovo Serb community and their freedom of movement, which also affected their freedom to worship. Serb families with relatives living in both Kosovo and Serbia were restricted by security concerns from traveling to join their relatives for religious holidays or ceremonies, including weddings and funerals. UNMIK police and KFOR have designed several mechanisms to provide security to improve mobility.

Protestants also suffered some violence and discrimination in Kosovo. Some Protestant leaders were threatened and even attacked; in one incident in south Mitrovica, a Protestant leader left Kosovo after unknown perpetrators fired shots at his house. Some Protestants suggested that non-Kosovar Muslims either were responsible or incited the attack. In another incident, masked persons held an ethnic Albanian Protestant pastor at gunpoint and robbed him before releasing him.

There were attacks on Serbian Orthodox churches and cemeteries during the year, presumably by ethnic Albanian extremists, although the number of such attacks decreased. The Prime Minister and Kosovar Albanian political leaders made a public effort to visit damaged and destroyed churches and expressed a commitment to assist in the reconstruction of some of the destroyed churches.

In June following a serious outcry in the Serbian-language press over vandalism perpetrated against Orthodox cemeteries in Kosovo, UNMIK police undertook a survey of cemeteries in Rahovec/Orahovac and in the towns of Livadica and Milosevo. They established that most of the damage was not recent. In July a fire was set in the remains of the Zociste Monastery of Saints Cosmas and Damian, near Rahovec. The monastery had been destroyed immediately after the war. In November two Orthodox Churches in Istog were seriously damaged by explosive devices; the perpetrators have not yet been identified. Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije Radosavljevic, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in the Serbian enclave of Gracanica, near Pristina, rather than at his diocesan seat in Prizren.

In light of post-conflict societal violence against properties owned by the Serbian Orthodox Church and Serbian Orthodox religious symbols, UNMIK authorities took steps to protect religious sites and to ensure that members of all religious groups could worship safely. KFOR continued to guard many Serbian Orthodox patrimonial sites, but began a gradual hand-over of such responsibility to the Kosovo Police Service (KPS) working with UNMIK CIVPOL. KFOR transferred protection of 47 religious sites to KPS and CIVPOL, and planned to transfer another 10 sites to police control before the end of the year. However, two November 16 attacks on Serbian Orthodox churches in the Istog municipality, which were not under KFOR guard, might have altered the transfer timetable. There were no injuries when bombs were detonated at 12 a.m. and 5 a.m., since the churches were empty and it had not yet been determined who was responsible for the attacks.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Applicable law provides for freedom of movement and no special documents were required for internal movement; however, interethnic hostilities were such that security concerns widely restricted freedom of movement in practice. Kosovo Serbs and, to a lesser extent, other minority communities found it difficult to move about safely without an international security escort. The level of freedom of movement for Kosovo Serbs varied greatly depending on location, but there was a marked increase in freedom of movement in many areas for Serbs and other minority communities during the year. In some areas, Kosovo Serbs moved about Albanian-majority communities without incident; in others, they required a KFOR or CIVPOL escort to avoid incidents, possibly involving physical violence. There were two incidents when groups of Kosovo Serbs attempting to visit Albanian-majority areas were attacked. In October a bus of Kosovo Serb pensioners was attacked when visiting Peje to apply for their pension payments (see Section 2.b.). In November a convoy of prospective Kosovo Serb returnees was stoned in Grmovo village during an NGO-facilitated "go and see" visit. In Mitrovica there were restrictions on freedom of movement for both Albanians and Serbs due to ethnically based harassment (see Section 5).

In order to improve freedom of movement by rendering Serb and Albanian vehicles indistinguishable from each other, UNMIK offered Kosovo license plates to Kosovo Serbs for no fee if they had already paid for vehicle registration in Serbia. UNMIK set up mobile registration points for these license plates in Serbian enclaves and in several of the Serbian majority municipalities. Other minorities have asked that UNMIK issue them free Kosovo plates as well. There were a few problems with the exchange program. The Government of Serbia did not endorse the program and did not sign the memorandum of understanding. Kosovo Serbs reported that they did not feel secure travelling to municipal centers to register for the program, and UNMIK provided very few mobile registration teams for outreach to enclaves.

During the 1999 war, Serb and Yugoslav forces conducted a deliberate campaign of "identity cleansing" in which they confiscated and destroyed citizen identification documents, and destroyed the central and municipal archives and civil registers. Many Kosovar Albanians were left with no documents of identity. Even those Kosovo residents with Yugoslav passports continued to find their passports invalid for travel to some neighboring countries.

In 2000 UNMIK published a regulation that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. UNMIK issued more than 1.3 million identity documents and over 310,000 travel documents. These documents were printed in Kosovo, which has reduced waiting time significantly. Some 29 countries have recognized UNMIK travel documents, primarily the European Union, the U.S., and Balkan nations; however, negotiations were ongoing with Eastern European and Middle Eastern countries. The SRSG issued individual travel letters in limited cases, but such documents were not widely recognized. Kosovo Serbs often qualified for and received Serbian identity and travel documents, in addition to UNMIK issued Kosovo identity documents.

UNMIK and the PISG did not restrict or otherwise prohibit emigration, nor did they obstruct repatriation. Since Kosovo did not have national status, revocation of citizenship was not an issue.

While precise figures were unavailable, substantial numbers of Kosovo Serbs and Roma fled Kosovo following the conflict. Many displaced persons did not register with international agencies. UNHCR estimated that more than 233,000 IDPs remained in Serbia and Montenegro, including Kosovo Serbs, Roma, Ashkali, Egyptians, and Montenegrin Muslims. UNHCR's registration of IDPs listed 152,000 displaced Kosovo Serbs remaining in Serbia, 29,000 in Montenegro, and 3,305 in Macedonia. The number of displaced Roma was difficult to estimate, although some sources reported that as many as 25,000 Roma fled in the aftermath of the conflict. Following the establishment of a civil administration by UNMIK, several countries that had offered temporary refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo.

After the 1999 withdrawal of Yugoslav troops from Kosovo, the U.N. High Commissioner for Refugees (UNHCR) oversaw the immediate return of 882,000 ethnic Albanian refugees and IDPs from surrounding regions and other countries. An additional 150,000 IDPs have returned since that time, many through the International Organization for Migration (IOM) repatriation programs. Spontaneous repatriation of Kosovar Albanians continued but was difficult to track.

On July 4, the Central Assembly approved a resolution on the return of IDPs and refugees. This resolution declared that "all citizens of Kosovo, regardless of race, gender, religion, and ethnic background have the legal right to enjoy their property" and "have the right of unrestricted freedom of movement." It called for the Government to create the preconditions for successful returns and reintegration of IDPs.

UNMIK and the international community were able to address many of the most pressing problems of returnees from all ethnic groupings, yet difficulties remained in obtaining sufficient housing, social services, property records, civil services, and education. In addition to UNMIK programs, a significant number of NGOs provided assistance in resettlement and repatriation efforts.

Most of the Kosovo Serbs and approximately 25,000 Roma who fled when Yugoslav forces withdrew had not returned by year's end. Their concerns centered on physical safety, lack of freedom of movement, and lack of employment opportunities. Many IDPs and refugees outside Kosovo also did not have accurate information on conditions in Kosovo or on the constitutional framework or civil structure. Many Kosovo Serbs who were previously employed in the public sector or in social enterprises continued to receive at least a portion of their salaries from the Serbian government and feared a return would risk cut-off of this and other Serbian government benefits and protections. UNMIK, the UNHCR, and the international community continued a minority stabilization program to address some of the assistance needs of prospective returnees.

UNMIK's Office for Returns and Communities developed a rights-based policy for returns and created an operational framework for the returns process. The UNHCR and OSCE reported that the outflow of Serbs to Serbia tapered off. Recent UNMIK data suggests that the numbers of Serbs returning to Kosovo, while small, exceeded those departing. While firm return numbers were difficult to confirm, UNHCR estimated that more than 5,500 persons from non-majority ethnic communities have returned since 2000. UNHCR estimated that 3,358 of these returnees were ethnic Serbs and that 2,228 came from other minority groups.

Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be a serious problem for minorities (see Section 5). Several villages that previously were ethnically mixed had become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK continued to provide security as necessary to some enclaves and minority settlements, including escorts for family visits, shopping, school attendance, and medical care. KFOR also regularly escorted convoys of private vehicles. In August KFOR again changed security measures by removing many fixed check points, stopping a majority of minority escorts (transportation security), and removing tight security from many enclaves. KFOR based these decisions on the improved security environment in Kosovo, and on the belief that a more dynamic and flexible environment would build confidence among Kosovo Serbs. KFOR has adopted a policy of random, intermittent escort. There were no direct attacks on KFOR escorts; there were incidents in October in Peje and November in Grmova that involved interethnic violence when Kosovo Serbs visited the town with indirect KFOR assistance.

Some minorities, including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma, lived alongside ethnic Albanians and reported that their security situation improved during the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas of Kosovo. Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. Bosniak leaders have complained that many thousands of their community have left the province both because of discrimination and a lack of economic opportunity. The Turkish community was more closely integrated with Albanians and was less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid (see Section 5).

In April 2000, the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Kosovar Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative inter-ethnic relations, thus encouraging a climate conducive to the return of those who fled Kosovo earlier. Although some progress was made, resettlement of Roma, Ashkali, and Egyptians continued to be very limited.

In Mitrovica there were restrictions on freedom of movement due to ethnically based harassment (see Section 5). Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from south Mitrovica into the northern part of the town.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Kosovo does not provide first asylum; however, refugees from the conflict in Macedonia were assisted in Kosovo by UNHCR. Of the 12,000 refugees who arrived in Kosovo in 2001, 4,000 remained at year's end. UNMIK cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The country continued to be administered under the civil authority of UNMIK, but as noted in UNSC Resolution 1244, UNMIK seeks to provide "substantial autonomy and meaningful self-administration" to the persons of Kosovo. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors organized a series of elections to provide locally elected leadership: The October 2000 municipal elections, the November 2001 Kosovo-wide, or general elections, and the October municipal elections.

All UNMIK-registered citizens of Kosovo over the age of 18 were eligible to vote in the elections. One of the most critical elements of the establishment of both a civil administration and an electoral process was the registration of Kosovo's legiti-

mate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.). Throughout the year, UNMIK and OSCE continued to refine the civil registration system, upon which voter registration is based, and ethnic minorities resident in Kosovo registered with UNMIK in more significant numbers than in the previous years. Approximately 1.3 million voters were registered for the October municipal elections. These included more than 120,000 voters, largely Serb and Roma, residing outside Kosovo.

Created as a result of the general election in November 2001, the 120-member multi-party, multi-ethnic Central Assembly elected Ibrahim Rugova as President of Kosovo, approved Bajram Rexhepi as Prime Minister, and 10 Ministers of government on March 4. Under the Constitutional Framework and its implementing regulations, the departments of the UNMIK-created Joint Interim Administrative Structure (JIAS) were consolidated and reorganized to become 10 Kosovar Ministries under the new PISG. Although a number of powers were still reserved to the SRSG, including those regarding foreign affairs and justice, broad areas of responsibility were increasingly vested with Kosovo's elected representatives who coordinated their efforts with those of the SRSG.

The UNMIK-established Central Election Commission (CEC) and 30 municipal election commissions (MECs) continued to establish electoral rules and organized the operational details of the municipal elections; these were substantially the same for the October 26 municipal elections as for the election in 2001. However, the municipal election commissions took a larger role in election preparations than they had in the previous elections as part of UNMIK's long-range plan to increasingly transfer responsibility for elections from international to local officials. In July an Election Working Group (EWG) was established by the OSCE to serve as an advisory body to the SRSG and to discuss the basic guidelines and principles underpinning future electoral processes, including the regulatory framework. However, the EWG was largely inactive from its creation through the end of the year.

In August the CEC certified a total of 68 political entities for the October municipal elections, compared to the 26 certified for the 2001 general election. There were 28 political parties, one coalition, 28 citizens' initiatives, and 11 independent candidates. Most of the 68 entities were minority-based, including 30 Kosovar Serb, six Kosovo Bosniac and Gorani, five Kosovo Roma-Ashkali-Egyptian (RAE), one Kosovo Turkish and one Kosovo Croatian organization. There were five requirements for certification and they were consistently applied to all applicants: 100 signatures of local voters, a statement of conduct, the name of the political entity, a policy statement, and a certification fee. Several political parties were denied certification in various municipalities—most frequently for invalid signature lists, but also for deadline violations. The CEC applied the rules regarding certification fairly and consistently to all parties. Unlike 2001 when three persons were banned from participation by the SRSG due to reported association with political violence, no candidates were banned for political violence from participation in the municipal elections, although 20 candidates from various parties were removed from the lists for financial disclosure and other violations.

Many Kosovar Albanians continued to object to the UNMIK-imposed requirement that potential voters must have resided in Kosovo as of January 1998 in order to vote. They argued that this requirement disenfranchises the Kosovar Albanian diaspora who fled the area during the Milosevic regime in the nineties. The electorate also expressed concern over the organization for the October election, particularly with regard to the voters list. Many Kosovar Albanian political party officials, primarily from municipalities with significant numbers of out-of-Kosovo voters, challenged the eligibility to vote of individuals they claimed had never lived in the municipality, were dead or otherwise did not meet residency requirements. OSCE defended the out-of-Kosovo registration process and challengers failed to produce evidence that any out of country voters were ineligible.

The Democratic League of Kosovo (LDK) continued to be the most popular political party in Kosovo, garnering more than 45 percent of total votes cast in the October municipal elections. All major parties and many of the smaller ones have youth wings.

On October 23, the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) randomly selected 20 candidates by lottery and removed them from the lists of 5 political entities because the entities had violated the agreed code of conduct. The most common violation leading to this action was the failure of an entity to provide financial disclosure. The leading party, LDK, was the most flagrant violator in this area and lost 11 candidates to the penalty.

The September and October electoral campaign period saw little tension and almost no violence, although there were minor clashes at rallies. There were far fewer reports of politically inspired violence or intimidation during this campaign than

during the same period in 2001 and there were no credible reports of Albanian intimidation of minority voters. On October 17, an LDK activist's house was attacked with two grenades and small arms fire, but there were no injuries. On October 27, following the election, Uke Bytyci, mayor of Suhareke/Suva Reka and leader of the local LDK branch, was shot and killed when he attempted to intervene in a confrontation between LDK and PDK supporters. Two PDK supporters were arrested for the murder and were awaiting trial at year's end.

International and domestic observers, including the Council of Europe, determined that the October 26 municipal elections were well-organized, efficient, and generally met international standards. Although these observers reported fewer irregularities than in previous years, they did identify some irregularities and logistical flaws. Voter registration data available at the polling stations improved significantly, but remained sometimes incomplete. Some voters, especially in rural areas, tried to insist on voting in family groups rather than individually, with the patriarch deciding for whom they would all vote. The presence of community or national flags at polling centers continued to be a point of contention, sometimes resulting in delayed openings at polling centers. However, election officials were able to address most problems.

The October 26 municipal elections attracted participation by all ethnic communities, although Serb participation varied significantly by municipality. The Kosovar Serb community in north Mitrovica, constituting over half of the Serb population resident in Kosovo, virtually boycotted the election. However, in other Serb majority areas, and municipalities with significant Kosovar Serb communities, participation was comparable to Kosovo-wide turnout. According to the OSCE, overall voter turnout was 53.8 percent, while outside of Kosovo (voters from Serbia and Montenegro) turnout was estimated around 14 percent. Of the 68 political entities that participated, 40 won at least one local assembly seat. Through a majority of seats or coalitions with other parties, LDK gained control of 18 municipalities, PDK gained 6, AAK gained 1 and various Kosovar Serb party coalitions won a combined total of 5. Unlike in the previous municipal election, no seats were designated or set aside for minorities.

The November post-election period saw an unprecedented level of coalition building in Kosovo. Since in half of the municipalities no single party or entity achieved a majority of assembly seats, the leading parties needed to bring smaller parties in as coalition partners.

There were 34 women in the 120-seat Kosovo legislature. There were none in the Cabinet. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. There were no reliable figures on voter participation by women, but international election observers reported it was roughly comparable to that of men with similar variations by ethnic group. UNMIK electoral regulations since 2001 required that at least one of every three candidates on a political entity's list be female. The lists were also "closed," which meant that the entity provided a list of candidates; any assembly seats subsequently won by the entity were then filled from the list in rank order. In response to previous elections when women resigned their seats post-election, UNMIK required that any seat vacated by a woman be filled by a female replacement. Following October's election, women represented 28 percent of the elected municipal representatives. In November 2001, women won 34 of the Central Assembly seats, 28 percent of the total. An effort by women parliamentarians across party lines to create a women's caucus has so far foundered on the inability of some members, particularly LDK representatives, to look beyond party considerations.

There were 35 ethnic minorities in the 120-seat legislature. There were two ethnic minority PISG ministers and one minority inter-ministerial coordinator. No legal restrictions existed on participation by ethnic minorities in government and politics. While ethnic minorities were underrepresented at the municipal level in some parts of Kosovo, the Constitutional Framework requires that the Assembly include 10 reserved seats for Serbs and 10 for members of other minorities, in addition to the twelve seats Serbs won and the 3 seats other ethnic minorities won in the November 2001 elections.

Serbian authorities organized polling sites inside Kosovo for those who wished to vote in Serbian presidential elections on September 29. Given Kosovo's status as a U.N. protectorate, both UNMIK and the OSCE Mission in Kosovo maintained distance from these elections, neither assisting nor supporting them; international observers reported that turnout was very low. According to observers, the subsequent Serbian presidential run-off election on October 13 resulted in even lower turnout in Kosovo, approximately 27 percent. Another run-off on December 8 resulted in still lower participation. While the Serbian election sites within Kosovo were peaceful, there were credible reports of politically-motivated voter intimidation during the

run-off election, reportedly by supporters of unsuccessful Serbian hard-line nationalist candidates, in an effort to keep participation below 50 percent, thus invalidating the results.

On November 7, the Kosovo Serb parliamentary caucus, Povratak, began a boycott of the Kosovo Central Assembly. Kosovo Serb parliamentarians cited perceived insults at the hands of Assembly President Daci and lack of access to documents in Serbian as reasons for the boycott. UNMIK later appointed an OSCE advisor to monitor plenary sessions and committee hearings for any evidence of inappropriate behavior or language.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without restriction, investigating and publishing findings on human rights cases. UNMIK was cooperative and responsive to their views. UNMIK and the OSCE continued to encourage the development of civil society, including domestically based NGOs.

In 1999 UNMIK issued a regulation on NGO registration; more than 1,700 domestic and 380 international NGOs were registered with UNMIK. More than 180 NGOs have been suspended since 1999, largely due to their failure to provide annual reports, including financial information. A broad range of international organizations continued operations to assist with administration and to provide post-conflict relief, but the number of international NGOs active in Kosovo declined during the year.

NGO efforts included assistance to hundreds of thousands of returning refugees, support for the search for the missing and social services to ameliorate the effects of post-war trauma (see Sections 1.b. and 2.d.). The IOM coordinated training and projects for the Kosovo Protection Corps, often in collaboration with NGOs. Human rights observers, including those of the OSCE as well as some associated with domestically based NGOs, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation (see Sections 1.a., 1.b., and 1.c.). Observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE and other observers generally were allowed access on an ad hoc basis to most courts and, with prior 24-hour notice, to prisons; however, the OSCE Ombudsman does not require 24-hour notice (see Section 1.c.).

In 2000 UNMIK authorized the establishment of the Institution of the Ombudsperson (the OI) to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses by governmental entities. Since then, Ombudsperson Marek Nowicki has received more than 700 complaints, of which approximately 25 percent were made by Kosovo Serbs, and approximately 7 percent by other minorities. The largest number of cases (almost half) involved property rights, with employment, fair hearing, and civil rights applications also pursued in significant numbers. While the OI had no authority to intervene in cases against KFOR and while UNMIK extended broad immunities to its employees, the OI nonetheless exercised an important advisory role both in individual cases and through special reports and general opinions.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, or ethnic origin; however, violence and discrimination against women and ethnic minorities persisted.

Women.—Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. There were no governmental agencies dedicated to coping with family violence. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse and rape. In the traditionally male-dominated society, domestic abuse of women was not uncommon, but it is illegal and applicable penalties include incarceration for periods of 6 months to 5 years. Formal complaints to authorities alleging domestic violence increased significantly this year as did prosecutions; however, few victims of spousal abuse filed complaints with the authorities. The Kosovo Police Service School, charged with training the KPS, included special training segments on domestic violence and rape in its curriculum.

Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape is not specifically addressed by law. Tradition generally prevented discussion of the topic of rape among ethnic Albanians, since, in some communities, the act is seen as dishonoring the entire family. The frequent

incidence of rape by Yugoslav and Serbian forces in 1999, as well as reports of subsequent revenge-based rape by members of the KLA, heightened the profile of rape as a form of war crime, but few individual women came forward publicly. During the year, police registered over 131 rapes, rape attempts and sexual assaults, an increase in the number of reported cases over the previous year.

Kosovo served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (*see* Section 6.f.).

Women have the same legal rights as men, but traditionally did not share societal status equal to men which affects their treatment within the legal system. Relatively few women obtained upper-level management positions in commerce or government, although there was no legal restriction on their doing so. There is no specific law against sexual harassment. Traditional patriarchal ideas of gender roles continued to subject women to discrimination. In some rural areas, women often had little effective ability to make decisions involving their children or to exercise control over property. While legally women and men have equal rights to inherit property, it is customary that family property passes to men only. Women who are widowed risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land and custody of the children, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas, and for facilitating consultation among UNMIK, the newly-formed Ministries of the provisional self-government, and women's organizations. An UNMIK regulation binds government officials to abide by the provisions of international human rights law and conventions, but that requirement has not yet significantly benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international organizations opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE continued an aggressive campaign to recruit women for the Kosovo Police Service (they make up 15.1 percent of the force). Women were increasingly active in political and human rights organizations and several women served as heads of domestic NGOs. The Women's NGOs focused on a variety of issues, including domestic violence and the establishment of a shelter for abused women in Pristina. Approximately 200 out of 3,000 KPC members were women.

Children.—In March the Ministry of Education, Science, and Technology and the Ministry of Health assumed responsibility for issues related to children's education and health from the previous JIAS Departments of Education and Science, and Health and Social Welfare. A 2000 UNMIK regulation made enrollment in public school mandatory for children between the ages of 6 and 15; however, there were some exceptions. The regulation made no provision for a waiver of school attendance based on safety concerns, but authorities did not enforce it where ethnically based security concerns existed. Primary education was compulsory, free, and universal. The vast majority of school-aged children under 15 attended school. Most children completed secondary or high school education. There was no difference in the treatment of girls and boys. Following Kosovo's loss of autonomy in 1989, Kosovar Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. In July the Kosovo Assembly passed a new law on education which included provisions to ensure equal conditions for schoolchildren of all communities. The law on primary and secondary education was promulgated in October; the law on higher (university) education was awaiting promulgation by the SRSG at year's end.

In July the elected Central Assembly accommodated minority populations by providing for the right of all Kosovar children to native-language public education through the secondary level through an amendment to the Law on Primary and Secondary Education; schools teaching Serbian, Bosnian, and Turkish language operated during the year. However, the Central Assembly was not willing to license publicly-funded higher education institutions designed to operate parallel to the University of Pristina system.

Although several public schools run by UNMIK and the Ministry of Education, Science, and Technology were reopened, extensive damage to many school buildings, a lack of educational materials and persistent electrical power outages continued to hinder the full functioning of the education system. Both because of a lack of freedom of movement and because of reluctance to depart from a Belgrade-based cur-

riculum, Kosovo Serb children frequently attended neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. During the year, international organizations continued to rebuild and equip schools; the numbers of students enrolled increased. According to a World Bank Poverty Assessment issued in September, enrollment for both Serb and Albanian children at the primary level was almost universal. However, at the secondary level, there was a marked gender and ethnic disparity, with lower rates of attendance and completion for Kosovar Albanian girls than for Kosovar Albanian boys or girls from the Kosovo Serb community. In rural areas, lack of transportation led families to prioritize sending boys to school, because of cultural norms and the presumption that the prospect of future employment for girls was slim. Roma, Ashkali, and Egyptian children attended mixed schools with ethnic Albanian children; however, Roma children reportedly faced intimidation in some majority Albanian areas. Roma children tended to be disadvantaged by their community's poverty and many had to start working at an early age to contribute to the family income. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers. The Ministry of Education introduced the Catch-Up program for minority children, mainly Roma-Ashkali-Egyptians, who often missed schooling due to frequent moves in the post-conflict environment. The Ministry also provided an expedited registration process for displaced minority children at the secondary level and at the higher education level.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children, particularly minority children. Humanitarian aid officials primarily blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. Observers believed that the high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead and other chemicals at the Trepca industrial complex, contributed to poor health conditions as well.

There was no societal pattern of abuse of children. High unemployment and family dislocation after the conflict resulted in a higher rate of abandonment of children. As the domestic adoption rate and foster family programs did not keep pace with the rate of abandonment, infants and children were increasingly housed in group homes with few caretakers. During the year, a private initiative succeeded in shifting many of the institutionalized children from a local hospital to five children's homes of 10 to 12 children each.

Kosovo served as a destination and transit point for trafficking in children for the purpose of prostitution (*see* Section 6.f.).

Persons with Disabilities.—Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the high level of unemployment posed obstacles to the employment of persons with disabilities. The law mandates access to new official buildings; however, it was not enforced in practice. Progress was made in the area of education for persons with disabilities during the year. Each municipality was charged with creating separate classes for these children, while the Ministries of Education and Health initiated an effort, in collaboration with international NGOs such as Handikos, to identify children with special needs.

In August the NGO Mental Disability Rights International published a report based on a two-year investigation of the treatment of persons with mental disabilities in Kosovo under the UNMIK mandate. The report found extensive and credible evidence of neglect, physical violence, sexual assault and arbitrary detention at the main mental health care facilities in Kosovo. At year's end, there had been no improvement in treatment options and physical protection of residential patients was still inadequate.

National/Racial/Ethnic Minorities.—The Milosevic regime used ethnic differences as a basis for discrimination and abuse, specifically targeting ethnic Albanians and exacerbating traditional interethnic divisions. Although the high level of revenge-based violence that followed Yugoslavia's 1999 withdrawal continued to decline significantly, ethnically motivated violence and crime continued to affect minorities. Kosovo Serbs, Roma, and other minorities were victims of murder, kidnaping, assault, and property crimes, particularly arson. Observers attributed the drop in ethnically-motivated violent crime to a variety of factors, including: Increased CIVPOL and KPS efficiency, the lessening of tensions with the passage of time, the participation of minorities in the provisional government structures at both the central and the municipal levels, and the fact that Kosovo Serbs and Roma drastically restricted their movements (*see* Section 2.d.). Kosovo Serbs and Roma continued to report that

they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians (*see* Section 2.d.).

There were a number of attacks on, and killings of, ethnic Serbs during the year. On February 22, a Kosovo Serb woman was shot and killed in Lipjan. On June 28, a hand grenade exploded in a Kosovo Serb home near Kamenica, and another grenade was found nearby. On July 31, a series of six explosions took place in the Kosovar Serb village of Klokot and one in the village of Balance. Several uninhabited houses were damaged and one was destroyed. Two KFOR soldiers who responded to the first explosion were injured by a later explosion. On August 29, an unknown assailant shot at a group of Kosovo Serbs in a field in the village of Gorazdevac, near Peje. In Viti the home of a Kosovo Serb KPS Officer was subjected to grenade attacks on three separate occasions in October and November. On October 15, a Kosovo Serb woman was killed by a landmine in the village of Klokot while working in a cornfield. While the investigation was not conclusive, the device may have been rigged as a booby trap. On November 7, in Viti, the vehicles carrying a group of Kosovo Serbs were stoned by a small mob. The Kosovo Serbs, displaced to Serbia since the war, were on a "go and see" visit to persuade them to return to the area.

There were several instances of Serb violence against Albanians. During a 3-day period in September in Bosnjacka Mahala in northern Mitrovica, three explosions occurred. There was significant property damage but no casualties. On October 10, after a basketball game in Lipjan, a group of Kosovo Serbs reportedly broke several Kosovar Albanian store windows. On October 19, a Kosovo Serb criminal gang reportedly planted a landmine in the field of their Kosovar Albanian neighbor. The mine was discovered before it detonated. On November 15, a group of Kosovar Albanian vehicles were stoned while passing through the Kosovo Serb village of Callavica. On December 13, a group of Kosovo Serbs reportedly beat an Albanian resident of Suhodall in north Mitrovica. No arrests were made in any of these cases.

Many non-Serb minorities, including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma, lived alongside Kosovar Albanians and reported that their security situation improved during the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas of Kosovo (*see* Section 2.d.). During the year, six Croat-Kosovar houses were burglarized and in March a Croat-Kosovar family was attacked in the ethnically mixed town of Janjeve. Also in March, three Bosniak-Kosovar were attacked in two separate incidents in Banja. On September 24 in Gjilan, the Roma community lodged a complaint with the international community, claiming lack of security specifically on Abdullah Presheva street. Bosniak leaders continued to complain that many thousands of their community had left because of discrimination and a lack of economic opportunity. The Turkish community was more closely integrated with Kosovar Albanians and felt the impact of societal discrimination less than other minorities. The remaining Roma in Kosovo continued to reside largely in enclaves and settlements and were dependent almost wholly on humanitarian aid.

Civilians were responsible for the destruction, often through arson, of private property. There were 200 cases of arson recorded through August, at least 23 of them directed against Kosovo Serb properties and another 22 against other minorities. The reported phenomenon of "strategic sales" persisted and grew: violence, intimidation, and attractive price offers were used to convince Kosovo Serbs to sell properties at key locations, leading to the erosion of Kosovo Serb neighborhoods and a consequent increase in isolation of those remaining (*see* Section 1.f.). Non-Albanian minorities, especially Serbs, suffered from widespread societal discrimination, most notably in the areas of physical security, property protection and freedom of movement. Societal discrimination also affected ethnic minorities in the areas of employment, education, and health services.

Property disputes and illegal occupation of homes continued to be a source of inter-ethnic friction (*see* Section 1.f.). These disputes were rooted in the forced migration and displacement resulting from the 1999 conflict. In early 1999, large numbers of Kosovar Albanians fled their homes, many of which were subsequently destroyed, escaping Yugoslav and Serbian forces. After Serbian forces withdrew, many ethnic Serbs fled to north Mitrovica and other majority Serb areas. Kosovo Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Kosovo Serbs in the north of Kosovo, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposaviq/Leposavic, Zubin Potok, and Zvecan, in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR transferred responsibility to UNMIK for providing

buses to transport Kosovo Serbs in larger numbers between enclaves and into Serbia to take care of personal business (*see* Section 1.f.).

In Mitrovica ethnic Serbs and Albanians harassed each other and restricted each other's freedom of movement (*see* Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Kosovar Albanians who sought to return to their homes in north Mitrovica were subject to violence and intimidation, and approximately 1,500 who live in the northern section of town reported repeated harassment. In south Mitrovica, which is predominately ethnic Albanian, Serb-owned properties were illegally occupied by Kosovar Albanians and Kosovo Serbs were unable to move freely without harassment. In late November, UNMIK, in consultation and collaboration with Yugoslav authorities, extended its authority to north Mitrovica. Shortly thereafter, the Government of Serbia established a branch office of the "Kosovo Coordination Center" for the Kosovo Serb population of the city, where Kosovo Serbs can apply for Yugoslav documents, which were processed in Serbia. While there was some concern over other parallel structures in the area including the North Mitrovica Hospital, which was funded and controlled by the Serbian Ministry of Health, many of the employees of the former Serbian-funded municipal administration have been employed by UNMIK. As Kosovo Serbs in north Mitrovica largely boycotted the October municipal elections at the direction of local Serbian political entities, UNMIK said that it would appoint a seven-member Advisory Board for north Mitrovica to represent residents of the northern sector of the municipality. Although not yet appointed by year's end, the board is expected to consist of four Kosovo Serbs, two non-Serb representatives and one international member and govern in coordination with the Mitrovica Municipal President and Assembly based in south Mitrovica.

In April 2000, the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Kosovar Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative interethnic relations, thus encouraging a climate conducive to the return of those who fled the Kosovo earlier. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in their prior homes, security concerns persisted (*see* Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—The SRSR regulation on the Essential Labor Law for Kosovo provides for fundamental rights at work, including the employment relationship, terms of employment, and, without specifically mentioning a right of association, the right to form and belong to organizations including unions without employer interference; workers exercised this right in practice. The Confederation of Independent Trade Unions of Kosovo (BSPK), the largest of the few unions active in Kosovo, reported that the regulation was respected by only a small number of firms. UNMIK created the JIAS Department of Labor and Employment, the responsibilities of which have now been transferred to the PISG Ministry of Labour and Social Welfare, to designate responsibility for policy recommendations on labor practices and workers rights. UNMIK also recognized labor as one element of an eventual tripartite commission, but did not include a specific right of association.

After the war, labor organizations redirected their focus from members' welfare to traditional labor issues. The dominant union organization, BSPK, was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990s. BSPK's membership was approximately 100,600 persons, of which approximately half were unemployed. During the year, the president of BSPK was appointed to the board of the Kosovo Trust Agency (KTA), which managed the privatization process, and, following public demonstrations in June, BSPK had a member on each committee in the Kosovo Assembly. The BSPK continued to work with international entities, including the International Labor Organization (ILO) and gained full membership to the International Confederation of Free Trade Unions (ICFTU), and observer status to the European Trade Union Confederation (ETUC). Other active trade union organizations included the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosova; the latter is registered as an NGO.

Antiunion discrimination is prohibited.

The ability of unions to affiliate internationally remained constrained in practice, although there are no legal impediments to their doing so, and the legislation expressly permits such affiliation.

b. The Right to Organize and Bargain Collectively.—The labor law adopted in October 2001 provides for the right to organize and bargain collectively; however, collective bargaining was at a rudimentary level of development. The history of trade

unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, there was limited possibility for negotiation by labor organizations, even though wages, other than those paid by international employers and NGOs, were sometimes not paid on time, usually due to bank administrative delays.

The right to strike is not recognized in the law; however, strikes were not prohibited. BSPK believes the right to strike was recognized indirectly when it forwarded its statutes for registration, which contain this right. Nothing in the law addressed labor disputes. In October 2001, UNMIK, the BSPK, and the Chamber of Commerce concluded a Tripartite Agreement, which may be used for agreements on labor disputes. There were some strikes within a few sectors, including health, mining and education. In October the teachers' union engaged in a 15-day strike, in which they were ultimately joined by health care workers. The strike action forced the Government to agree to a one-off granting of additional wages, disbursed over a 4-month period.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under labor law dating from before 1989, the minimum age for employment was 16. The labor law set the minimum age at 18 for any work likely to jeopardize the health, safety or morals of a young person, but permits children to work at 15, provided such work is not harmful to the child nor prejudicial to school attendance; however, in villages and farming communities, younger children worked to assist their families. In addition, children were found in a variety of unofficial retail jobs, typically washing car windows or selling newspapers and small items such as cigarettes and phone cards. Real employment opportunities for children in the formal sector were nonexistent.

e. Acceptable Conditions of Work.—After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate in Kosovo, because ethnic Albanians refused to recognize the Yugoslav-Serbian legal code. The Kosovo Office of Statistics estimated that the unemployment rate was 60 percent (although rigorous statistical studies had not been conducted). The average wage paid to those who were employed full-time was insufficient to provide a decent standard of living for a worker and family. The 2001 labor legislation provided for a minimum wage, but did not set its level.

While many international agencies and NGOs paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of Kosovo's own governmental structure, even if funded by the international community, should be set at a level estimated to be supportable by the consolidated budget, but salaries under that budget were barely sufficient to support a worker and a family. This situation precipitated the October teachers' strike.

Reports of sweatshops were rare, although some privately owned textile factories operated under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards. The law does not safeguard the jobs of employees who remove themselves from dangerous situations. However, in December 2001, UNMIK adopted an administrative instruction on labor inspection, and labor inspectors began their work at the end of 2001; BSPK argued that the inspectors were ineffective. The Kosovo Assembly is expected to pass the Law on Labor Inspectorate in 2003.

f. Trafficking in Persons.—Regulation 2001/4 specifically prohibits trafficking in persons; however, trafficking remained a serious problem. Kosovo was mainly a destination point, but also served as a transit point for women and children trafficked for the purpose of prostitution.

Since nothing in the applicable law provided an effective legal framework under which to address trafficking, in January 2001, UNMIK promulgated Regulation 2001/4, making trafficking in persons a crime punishable by 2 to 20 years in prison, and provided for victim assistance. A client engaging in sex with a victim of trafficking may be convicted for up to 5 years imprisonment, while such activity with a minor who has been trafficked (a child under the age of 18 for these purposes) is a criminal offense carrying heavier penalties (up to 10 years imprisonment). During the year, there were 92 charges of trafficking in persons, 34 convictions, 28 re-

leases, and 30 cases still pending. According to CIVPOL Trafficking and Prostitution Investigation Unit (TPIU), there were 10 domestic victims trafficked from the Kosovo to other countries in Europe.

On August 29, UNMIK border police arrested Afrim Bushi, an Albanian national at the Pristina Airport, for suspicion of international trafficking in children with the intent to prostitute them or trade in human organs. Bushi was arrested with a 14-year-old boy that he claimed to be his son. He was found guilty of using false documents and was sentenced to 2½ months, but was not charged with trafficking because of insufficient evidence.

UNMIK actively investigated cases of trafficking during the year and police raided several brothels and nightclubs; suspicious bars were raided on almost a weekly basis. Out of 170 total operations, 120 were considered large-scale. The TPIU has registered more than 1,000 foreign women who have been questioned at least once by police. According to the TPIU, 60 persons were arrested under charges of trafficking, of which 49 were convicted during the year. However, a number of factors resulted in few cases being pursued to prosecution, including the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures. Corruption and bribery, lack of a witness protection program, and inadequate training for judicial personnel resulted in only a few convictions under the regulation.

Since prostitution is punishable under provincial law and many of the trafficked women were in the country without documentation, victims were often afraid to report their traffickers due to fear of arrest. However, for victims of trafficking, UNMIK Regulation 2001/4, Section 8 provides a defense against criminal charges of prostitution and illegal entry, while Regulation 2001/4, Section 11 provides a prohibition against deportation of trafficked persons due to a conviction of prostitution or illegal entry. UNMIK Regulation 2001/4 also provides for official residency status under certain circumstances. Trafficking victims who did not accept assistance were released, but if they were subsequently detained for prostitution, they were potentially subject to jail sentences and possible deportation.

Ninety-eight percent of trafficked women in Kosovo were from Eastern Europe (Moldova, Ukraine, Bulgaria, Romania, Albania, Belarus, and Kazakhstan), while only two percent were indigenous Kosovars. Security authorities reported that women and girls were smuggled through Kosovo to Macedonia, Albania, Italy, and other Western European destinations. There were several kidnappings and disappearances of young women who were never located. Some local sources believed that some of these women were the victims of traffickers although there was no clear evidence. Traffickers into Kosovo were reportedly linked to organized crime, rather than to employment agencies or marriage brokers. Evidence suggested that trafficking in women was often the result of a coordinated effort between Kosovo Serb and Kosovar Albanian organized crime elements. Sixty-two percent of IOM-assisted victims reported crossing official border points into Serbia before traveling to Kosovo.

Many victims were recruited to work in restaurants or cleaning jobs, and approximately 80 percent were offered non-existent jobs in Italy. Trafficked victims work in the sex industry, primarily in brothels and nightclubs. Less than five percent reported that they were aware that they would be working in the sex industry when they accepted employment offers, but did not expect to be imprisoned, abused and forced to serve as unpaid prostitutes. Trafficking victims reported that they were regularly subjected to physical violence, rape, denial of access to health care, and confiscation of their passports.

According to IOM, the presence of a large international community in Kosovo contributed to the increase in the number of brothels that were involved in trafficking, but women rescued from the brothels often reported that the majority of their clientele was local.

In order to assist and protect victims of trafficking in Kosovo at the institutional level, a referral system was established and was operational through the coordination of the main agencies active in the field of counter-trafficking: UNMIK CIVPOL, OSCE, IOM, and the international NGO UMCOR. These organizations worked closely together to provide protection and assistance services to victims according to established standard operating procedures. The UNMIK Victims' Advocacy and Assistance Unit (VAAU) worked with victims of trafficking and other crimes to assist them in accessing the criminal justice system. During the year, the VAAU provided training for judges and prosecutors in dealing with victims.

Since 2000 IOM has assisted a total of 325 trafficking victims, approximately 100 women this year. Thirteen percent of the victims were under 18 years of age. UNMIK did not provide any official residency status to victims. Those who did not accept assistance from IOM generally were released, but if they continued to work

as prostitutes, they were subject to rearrest, short jail sentences, and deportation. Some women who were trafficked and re-trafficked have been jailed or made the subject of deportation orders by local judges. According to the police, when a woman was picked up in a raid, she was assumed to be a victim and was offered shelter and repatriation assistance. If she accepted, she was transferred to IOM. If she refused, she was generally released if this was a first contact. Prostitutes who were not trafficking victims were also allowed to go with a warning if it was their first contact with the police. Prostitution is a misdemeanor (subject to a 30-day sentence), and local judges have sentenced women, including those who were trafficked but refused repatriation, to jail. Moreover, judges have issued deportation orders against some women for lack of proper documentation.

There was significant success in disseminating the view that women who were the victims of trafficking should not be prosecuted for prostitution nor subjected to deportation orders. However, a few local judges sometimes incorrectly sentenced trafficking victims to jail, contrary to Regulation 2001/4 which provides for their partial immunity. Moreover, judges issued deportation orders against some women for lack of proper documentation, notwithstanding the fact that Kosovo has no mechanism for carrying out the order.

Several international agencies and NGOs established programs to assist the victims of trafficking with material support to return to their countries of origin or homes. While UNMIK, OSCE, and IOM did not directly provide shelter for victims, local NGOs, such as the Center for the Protection of Women and Children (CPWC), have filled the vacuum. The CPWC operated a shelter in Pristina, and was planning to open another in the predominantly Serb village of Gracanica; CPCW cared for 139 women during the year. In addition, CPCW conducted awareness programs in schools and communities. The IOM also offered free office skills courses at their employment assistance office to former victims of trafficking.

During the year, IOM worked closely with the PISG, particularly the Office of the Prime Minister, the Ministry of Labor and Social Welfare, and the Ministry of Health to increase local awareness of the phenomenon of trafficking, and to encourage engagement in counteracting the problem. IOM also offered training on trafficking to instructors engaged in rule of law development programs. The IOM launched an awareness campaign directed at Kosovar NGOs involved in human rights and women's issues. IOM also launched a public campaign to discourage the use of commercial sex services by Kosovar men and international staff consisting of print advertising placed in the Albanian, Serbian, and English language media as well as posters and billboards in public spaces and UNMIK and PISG buildings throughout Kosovo.

MONTENEGRO

Montenegro is constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia. Like Serbia Montenegro has a president and a parliamentary system of government based on free and fair multiparty elections. The constitution provides for an independent judiciary; however, courts often were ineffective and subject to political influence. Montenegro's economic and political progress has been impeded by systemic deficiencies, including the legacy of a socialist economy, years of war, economic sanctions, and economic stagnation. Since 1997 the Montenegrin government has acted independently from Belgrade on most issues, including foreign affairs and defense. Montenegro has a separate customs regime, a separate visa regime, its own central bank, and uses the Euro rather than the Yugoslav dinar as its currency. This period of exceptional autonomy coincided with growing pressure for independence from some political parties, including President Milo Djukanovic's Democratic Party of Socialists (DPS). With pro- and anti-independence sentiment dividing the electorate almost evenly, EU High Representative Javier Solana brokered the March Belgrade Agreement by which Montenegro and Serbia agreed to redefine and recreate Yugoslavia as the joint state of Serbia and Montenegro. On December 29, the Federal Constitutional Commission, which included representatives from both republics, approved the final text of the Constitutional Charter. At year's end, the Commission was still debating over the content of the implementing legislation.

The Montenegrin political scene was dominated by two major coalitions, one led by President Milo Djukanovic of the Democratic Party of Socialists (DPS), and another by opposition leader Predrag Bulatovic of the Socialist People's Party (SNP). The pro-independence Liberal Alliance of Montenegro (LSCG) was first allied with Djukanovic, but then abandoned his coalition after Djukanovic signed the Belgrade Agreement. From July to October, the DPS led a minority government; but in parliamentary elections held on October 20, a Djukanovic-led coalition won an absolute

majority, taking 39 out of the total of 75 parliamentary seats. Djukanovic resigned on November 25 to become the republic's prime minister. The speaker of Parliament Filip Vujanovic became acting president.

While civilian authorities generally maintained effective control of the security services, there were some instances in which elements of the security forces failed to respect basic human rights. The republic police, under the authority of the Ministry of the Interior, have responsibility for internal security. The State Security Service, located within the Ministry of the Interior, has authority to conduct surveillance of citizens, including electronic surveillance. A greatly reduced detachment of the Yugoslav Second Army, which was under the control of the federal government, remained in the Republic and cooperated with Montenegrin police to arrest smugglers. It cooperated well with the Montenegrin Ministry of Interior. Some members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-oriented economy continued to suffer from delay. Montenegro's strategy for privatization has been to put a regulatory framework in place before going ahead in a piecemeal fashion. A privatization council, headed by the Prime Minister, oversaw the process of privatization. The issuance of privatization vouchers to the public was a first step towards implementing privatization; however, the voucher program itself was subject to abuse. Sixty percent of socially owned capital in Montenegro was privatized through mass voucher privatization, and this process was officially completed in February. The small industrial sector, consisting of a few large state-owned plants and smaller private enterprises was inefficient and noncompetitive. The country's population was approximately 650,000. Official unemployment was estimated at approximately 40 percent, although a large and flourishing unofficial economy brought that figure down to approximately 22 percent. The economy was dependent upon large amounts of foreign aid, technical assistance, and personnel.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat and abused citizens, although human rights groups noted that there were fewer reports of police abuse than during previous years. Police arbitrarily arrested and detained civilians. The judiciary was susceptible to corruption, inefficiency, and political influence; Parliament passed a new Law on Courts designed to make the judiciary more independent and efficient. Pressure from politicians sometimes resulted in distorted coverage of events, particularly by the state media; however, the Government exercised less influence over the media than in previous years. Domestic violence and discrimination against women continued to be problems. Societal discrimination against religious and ethnic minorities continued to be problems, particularly with the Roma. Trafficking in women for sexual exploitation continued to be a problem, despite some governments efforts to combat it. Yugoslavia was invited as a participant to the second Ministerial Meeting of the Community of Democracies in Seoul, Republic of Korea, in November.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On September 9, the Bjelo Polje District Court sentenced former "Avengers" paramilitary unit member Nebojsa Ranisavljevic to 15 years for war crimes committed in Serbia and Bosnia during the Bosnian war participating in the killing of 19 mostly Muslim men kidnapped from a train at the Strpci station in 1993. Ranisavljevic's trial lasted six years (see Section 1.e. and Serbia, Section 1.a.).

There were no developments in the following investigations: the 2001 killing of Darko Raspopovic, chief of the Montenegrin police anti-terrorism unit; the 2000 killing of Djukanovic security advisor Goran Zugic; the 2000 killing of Milenko Vujevic.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, the police reportedly at times beat and otherwise abused persons.

The Helsinki Committee for Human Rights in Montenegro (HCM) noted that there were fewer reports of police violence and abuse than in previous years. However, police occasionally beat suspects during arrest or while suspects were detained for questioning.

On November 8, Niksic police took two Roma IDP boys to the police station and beat them on the body and soles of the feet with nightsticks in an attempt to extract confessions from them. According to HCM, on October 13, Danilovgrad police se-

verely beat two truck drivers who were involved in an altercation with locals; later the Danilovgrad police brought charges against the truck drivers. On August 5, police from Berane beat five Muslim men from the town of Petnjica—Feriz, Esad, and Ramiz Skrijelj, Faiz Adrovic, and Saudin Babacic—following the men's involvement in an altercation over a traffic accident. According to the HCM, police continued to beat the men after they were handcuffed. A lawyer for the victims lodged a complaint in Berane Municipal Court against six Berane policemen. The Montenegrin Orthodox Church reported that on July 10, members of a special police squad beat IDPs while evicting them from a settlement near Budva. The Center for Democracy and Human Rights (CEDEM) reported that on January 1, Bjelo Polje policemen Mevludin Hasanovic and Vladimir Sljak beat student Darko Knezevic and held him several hours without medical attention; an internal police disciplinary action continued at year's end.

There were no incidences of police brutality at political rallies.

On October 14, the day of a rally of the pro-independence Liberal Alliance (LS) party, men dressed in paramilitary uniforms and claiming to belong to the "Liberation Army of Cetinje" assaulted passerby Predrag Ivanovic during an LS rally in Niksic.

Criminal procedures and sentences against police were rare; when initiated, criminal procedures against police were often of long duration with convictions resulting in only minor penalties.

Police were involved in trafficking and took bribes at border checkpoints (*see* Section 6.f.).

Prison conditions generally met international standards; however, problems remained and prison facilities were antiquated. There were no reports of brutality from guards. Women were held separately from men. Juveniles were held separately from adults, as were pre-trial detainees from convicted criminals.

The Government permitted prison visits by human rights observers, including the ICRC, OSCE, and local NGOs, all of whom conducted visits during the year. In October convicted killer Savo Radovanovic broke out of the Bijelo Polje jail and went on his own accord to the Spuz prison near Podgorica, where he pleaded with warders to allow him to transfer there because conditions were unacceptable at Bjelo Polje.

d. Arbitrary Arrest, Detention or Exile.—The law prohibits arbitrary arrest and detention; however, at times the police arbitrarily arrested and detained persons.

The law requires arrest warrants; however, arrest may also take place without probable cause. Under the law a suspect may be held in detention for up to 72 hours; it is within that period that most abuses occurred (*see* Section 1.c.). There have been few publicized incidences of abuse. CEDEM reported that police sometimes violated the 24-hour limit on detention, applying the previous Criminal Procedure Code's provision for a 72-hour period of detention. Access to attorneys is allowed, and there is a system of bail; however, there is no legal requirement to provide access to a lawyer within the detention period. Statements made to the police during the detention period are not to be considered if charges are pressed and the case goes to trial. If the case goes to trial for a crime with a possible sentence greater than five years, a lawyer will be appointed if needed.

A lack of female police at police stations caused long delays in searching female suspects and in restraining violent female detainees.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Government sometimes manipulated courts for political reasons. Poorly paid judges and courtroom staff, a historical lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and corruption remained problems. Although judges were poorly paid, they received free housing, which to some extent offset their low salaries. There was a lack of harmonization between Montenegrin Republic law and Yugoslav federal law; and there was a general lack of clarity about whether Yugoslav federal law holds sway in Montenegro.

The court system consists of municipal, high (or district), and supreme courts at the republic level. The federal constitutional court has little authority in Montenegro. The military court system was under the control of Yugoslav Federal authorities; civilians were not tried in these courts. In January Parliament passed a new Law on Courts, which introduced objective criteria to be used by court presidents in distributing cases. Previously, court presidents could assign cases to judges. The new law provides for a Court Council that will nominate and initiate dismissal procedures against judges and court presidents. The Supreme Court President will head the Court Council, which will include judges and lawyers but not government

members. The Law on Courts also institutes an appeals court and an administrative court with the aim of reducing the burden on the Republic Supreme Court. The first of the Law on Court's provisions was implemented in December with the formation of the High Judicial Council.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, and the right of appeal; however, the judiciary was not independent in practice.

In September the Bjelo Polje High Court completed the first major war crimes trial conducted in Yugoslavia when it sentenced Nebojsa Ranisavljevic to 15 years in jail for participating in the 1993 Strpci killings (*see* Section 1.a.). The trial, which began in 1996, was marked by extremely lengthy delays in trial process, procedural irregularities, and possible political manipulation. Over the years, the judge blamed the slow pace of the trial proceedings on the difficulty of obtaining evidence requested from Serbia and the Republika Srpska; however, the trial, a highly sensitive matter with Muslim Montenegrins, recommenced with remarkable regularity every time an election approached. This pattern held through Ranisavljevic's conviction, which took place shortly before the October 20 parliamentary elections. Trial procedure was irregular, with several family members' lawyers allowed to sit with the prosecution and interrogate witnesses, and with family members themselves allowed to interrupt court proceedings to interrogate witnesses and make spontaneous statements. Matters of general political interest but irrelevant to the defendant's guilt or innocence, such as the question of whether Serbian authorities had forewarning of the kidnaping, consumed much courtroom time. The court convicted Ranisavljevic on the basis of the highly detailed confession he gave at the time of his arrest. Ranisavljevic later claimed that police tortured him into giving the confession, but the court found no evidence to support his claim.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, there were some minor restrictions. Although there was no direct evidence, some observers believed that police used wiretapping and surveillance against opposition parties and other groups on a selective basis. Many individuals and organizations operated on the assumption that they were or could be placed, under surveillance. The law allows the Montenegrin State Security Service (RDB) to eavesdrop on citizens, especially opposition groups, and no court authorization is required. Some observers believed that the VJ also eavesdropped on the Montenegrin government.

Citizens could inspect secret files kept on them by the State Security Service from the years 1945 to 1989, but not files kept after 1989.

There were reports that membership in the appropriate political party was a prerequisite for obtaining positions or advancing within certain parts of the Government.

Section 2. Respect for Civil Liberties, including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Unlike previous years, the Government did not engage in harassment or reprisals against journalists critical of government policies. Media and information laws do not protect freedom of the press, and libel laws, which carry criminal penalties, discourage a free press. The state media was controlled by the governing coalition, which also controlled state television and several print newspapers and magazines.

Before the change in government, the dailies Dan and Glas Crnogorica were the only major papers that consistently criticized the Djukanovic government. Articles and opinions from the opposition frequently were printed in special supplements or not printed at all by media controlled by the governing coalition. Opposition groups credibly charged that President Djukanovic used the media to promote independence sentiment while not permitting anti-independence parties to make the case for remaining in a democratic Yugoslavia.

The print media consisted of a mixture of state-owned and private news outlets. Foreign periodicals were available. State-owned print media dominated the news scene. The State also controlled the public broadcasting station, Radio/TV Montenegro, but under the new Media Law adopted in September, the State will no longer have direct editorial control. News and television stations need licenses from the Government to broadcast. A wide variety of articles and programs were available, including Belgrade's B-92, Croatian State Television (HRT), Italian television (RAI), the British Broadcasting Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE), and other broadcasts in Serbian or other languages. Federal law delegates to each republic the responsibility for allocating broadcast frequencies.

The Yugoslav military stationed in Montenegro rebroadcast YU-INFO TV news from Serbia from transmitters located at military facilities in Montenegro. Since the end of the Milosevic regime, these broadcasts have not contained anti-Montenegrin propaganda; nonetheless, the station broadcasts in violation of Montenegrin law.

During the short interlude when Djukanovic's coalition lost its majority, the Coalition for Yugoslavia/Liberal Alliance government appointed its own lead editors in state-owned media outlets. Politically appointed editors included State Television's Channel 2 editor-in-chief Slavisa Djordjevic, who became prominent as a nationalist propagandist during the war in Croatia. In spite of politically appointed editors-in-chief, the Podgorica Union of Independent Electronic Media of Montenegro (UNEM) reported more politically balanced coverage in both state-owned and private media during the year. UNEM attributed the improvement to increased international pressure for fair media reporting in the country.

In September Parliament passed a Media Law partly drafted by local NGOs and approved by the Council of Europe. The law creates regulatory structures designed to insulate state-owned media from direct party control. Implementation of the Media Law began in November.

Unlike previous years, the Government did not subject journalists to harassing libel suits. However, the threshold remained low for what qualifies as libel; and the fear of being sued for libel, which carries criminal penalties, continued to inhibit free expression in the press. In November following libel charges filed in 2001 by Prime Minister Milo Djukanovic and alleged businessman Stanko "Cane" Subotic, Podgorica District Court issued a 1-month prison sentence to former editor-in-chief of the opposition newspaper "Dan" for reprinting articles from Croatian journals alleging corruption on the parts of Djukanovic and Subotic. At year's end, Asanin was free pending appeal. In October Milos Tula, a pro-Milosevic journalist during the 1990s, brought private libel charges against the editor-in-chief of the weekly Monitor, Branko Vojcic; but a court quickly dismissed the case. In July the Montenegrin Parliament amended the libel law to limit the ability of government officials to file libel charges.

Partly as a result of intense international attention on Montenegrin political events, instances of direct government interference in media dropped during the year.

There were occasions in which government-appointed editors directly censored the content of state-owned media presentations, despite improvements from previous years. In October the new government-appointed editor of State TV Channel 1, Natasa Novic, postponed the broadcasting of a documentary film on Montenegrin emigrants in New York because the Serbian Orthodox Church had protested its positive treatment of the Montenegrin Orthodox Church.

Journalists exercised self-censorship because of the history of government reprisals in prior years and because of fear of libel suits.

In contrast to previous years, there were few instances of harassment or intimidation of journalists. However, on August 21, plainclothes police confiscated T-shirts and pamphlets from UNEM activists who were protesting the delayed implementation of the Media Law. Vladimir Jovanovic, a reporter for the weekly *Publika*, received a series of threatening telephone calls after publishing an article about Masonic practices.

Access to the Internet was unlimited.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. The Constitution specifically recognizes the existence of the Serbian Orthodox Church but does not mention other faiths.

Tensions continued between the Serbian Orthodox Church and the Montenegrin Orthodox Church. Pro-Serbian political parties strongly supported moves for the establishment of an official state religion, while pro-independence parties have pushed for the recognition of the Montenegrin Orthodox Church.

Tensions between the Serbian Orthodox Church and the Montenegrin Orthodox Church led to several incidents in winter, one of which involved violence when Serbian Orthodox Church followers interfered with Montenegrin Orthodox Church followers at the latter's Yule Log ceremony on Orthodox Christmas, January 6, in Berane. Several persons were arrested after police clashed with Serbian Orthodox followers. On January 11, a bomb went off in front of the home of the Berane police chief, who had been responsible for quelling the New Year's disorder. At another

Yule Log ceremony in Niksic, Serbian Orthodox celebrators prevented Montenegrin Orthodox celebrators from holding their ceremony in the main town square. While the two churches contended for adherents and made conflicting property claims, there was less violence than in previous years. However, NGO representatives reported concern at the level of religion-influenced nationalism and hate speech that they encountered in Montenegro.

For a more detailed discussion see the 2002 *International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation.—The Republic Constitution provides for these rights, and the Government generally respected this right in practice. Unlike in previous years, the VJ did not restrict freedom of movement.

The Government refused to issue an ICTY witness's passport (*see* Section 4).

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum.

There were 14,418 refugees from the former Yugoslavia (10,600 from Bosnia, 3,798 from Croatia, 300 Romas and 20 Slovenes) in the Republic. In addition, there were approximately 29,435 internally displaced persons (IDPs) from Kosovo; the majority were Serbs, but approximately 7,500 Roma were also displaced. While citizens were routinely issued travel documents, among refugees, only refugees who were leaving the country permanently were issued travel documents. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. However, many Roma refugees lived in collective centers, with only limited access to health care and education. One of the major problems for Roma children was their lack of knowledge of the Serbian language, and there were no schools teaching in the Roma language (*see* Section 5).

There was a well-established pattern of legal and illegal migration from Montenegro to the U.S. Economic migrants paid smuggling rings \$10–15,000 (587,959 to 881,938 dinars) for fraudulent documents and cover stories designed to elicit political asylum. Migrants and their families who did not pay the smugglers sometimes faced violent reprisals from the criminal gangs who ran the smuggling networks. The authorities arrested several smugglers, but others remained active.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

On May 15, municipal elections produced no clear winners, compelling political parties to enter coalitions in 18 of 19 municipalities. International monitors judged the election to be free and fair. On May 14, the eve of local elections, a hand grenade was thrown at the office of the pro-federation Socialist People's Party (SNP). In June the Government's participation in the Belgrade agreement triggered a no-confidence vote in parliament. DPS subsequently failed to form a new parliamentary majority; and LS abandoned the Djukanovic coalition to form a new majority coalition with the "Together for Yugoslavia" faction, which was led by SNP. On October 20, parliamentary elections gave President Djukanovic's "Democratic List for a European Montenegro" coalition an absolute majority of parliamentary seats. The Republic Election Commission reported that 77.48 percent of Montenegro's 455,791 registered voters turned out to vote. International monitors judged the election to be free and fair. Due to insufficient voter turnout (less than 50 percent plus one registered voter), the December 22 presidential elections were unsuccessful. Opposition parties boycotted the elections claiming that conditions for a free and fair election did not exist. However, the OSCE/ODIHR office announced that in general, the elections were held according to international standards of conduct.

On November 25, Djukanovic resigned to become the republic's Prime Minister. Speaker of Parliament Filip Vujanovic became acting president. Vujanovic won 83.7 percent of the votes cast in the December 22 presidential election, but voter turnout, at 45.9 percent, fell short of the 50 percent required to elect a president. Factors contributing to the low voter turnout included an active boycott by the mainstream opposition parties and disillusionment over rumors of a government cover up in a human trafficking case (*see* Section 6.f.). A boycott by the mainstream opposition parties contributed to the low voter turnout.

There were 7 women in the 77-seat legislature as of November 1. There were no women in the cabinet, and there were two female mayors in the 21 municipalities. The Speaker of the Montenegrin Parliament, Vesna Perovic, was a woman. There were no legal restrictions on women's participation and women voted in large numbers in Montenegro.

There were 12 minorities in the 77-seat legislature, and two minorities in the Cabinet. There were no legal restrictions on their participation and ethnic Montenegrins and Serbs dominated the Republic's political leadership. Ethnic Albanians and Bosniak Muslims participated in the political process, and their parties, candidates, and voters participated in all elections. Approximately 52 polling stations were designated to serve the Albanian minority in the May elections. Four parliamentary seats—down from five in the previous year—were allocated to ethnic Albanians. The Government-owned Albanian language radio and television stations broadcast in Rozaje and Ulcinj. Approximately 65 percent of minorities in the country voted in the May municipal elections.

Ethnic-Albanian Montenegrins continued to have guaranteed representation in the Parliament and on the Constitutional Commission; however, changes in the law reduced the numbers of parliamentary seats dedicated to majority Albanian districts from 5 to 4. In the October 20 parliamentary elections, two of those seats went to DPS and two went to a coalition of Albanian parties while two others went to national parties. On the whole, ethnic Albanians had a good relationship with the Djukanovic government, and, like most Bosniak voters, voted for the Djukanovic coalition while at the same time maintaining their own political parties.

The Croat minority, which made up 1 percent of the population, formed a political party for the first time, "Croatian Civic Initiative," and won four seats in the Tivat municipal assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without restriction. Government officials were somewhat cooperative and responsive to their views. The 1999 Law on Non-Governmental Organizations supplied a satisfactory legal framework for NGO operation in Montenegro. There were a substantial number of NGOs investigating and publishing their findings on human rights cases. These included the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and the National Democratic Institute. NGOs have been credited with helping to bring about, by their presence and activities, an overall decline in police brutality and incidents of abuse against citizens.

There was a committee on human rights in the parliament; however, human rights NGOs stated that the committee was ineffective.

The Government cooperated with the ICTY in allowing access to witnesses and in responding quickly to any reports that indictees might have been on Montenegrin soil. However, in September the Government refused to issue a passport to one ICTY witness, who was compelled to testify instead through a live audio link from Banja Luka, in the Republika Srpska, to The Hague. When the witness's life was threatened following his testimony, the Government continued refusing the passport, saying that it had already issued its quota of passports for the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Federal and republic laws provide for equal rights for all citizens, regardless of ethnic group or social status, or gender; however, in practice the Government provided little protection for such groups.

Women.—A traditionally high level of domestic violence persisted, particularly in rural areas. The few official agencies dedicated to coping with family violence had inadequate resources and were limited by social pressure to keep families together. Victims of spousal abuse rarely filed complaints with the authorities.

Trafficking in women for prostitution was a problem (*see* Section 6.f.). A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against women.

Sexual harassment was a problem. Women did not enjoy a status equal to that of men and few women held upper level management positions in government or commerce. However, increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Women legally were entitled to equal pay for equal work; however, in practice they did not always receive it. Women were allowed 12 to 18 months of maternity leave. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination in the home. In rural areas, particularly among minority communities,

women did not always have the ability to exercise their right to control property. In rural areas, particularly among minority communities, it was common for husbands to direct wives' voting. Divorce occurred, but infrequently. Women were active in human rights organizations.

Children.—The Government attempted to meet the health and educational needs of children, but insufficient resources impeded this goal. The educational system provides 8 years of mandatory schooling. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the Government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children received little or no education beyond the primary school level.

There was no societal pattern of abuse against children. However, according to a Council of Europe report, the law does not allow a juvenile to make an allegation of a crime without a parent or guardian present. Consequently, there was almost no reporting of child abuse or incest.

There is no requirement for a juvenile suspect to have an adult present during interrogation. However, if a juvenile faces a sentence of 5 years or more, an attorney must be present during the interrogation.

Trafficking in girls for the purpose of prostitution was a growing problem (see Section 6.f.).

Persons with Disabilities.—The law forbids discrimination against persons with disabilities in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the Government enforced these provisions in practice; however, facilities for persons with disabilities were inadequate, including at polling stations. Mobile voting existed for handicapped or ill voters who could not come to polling stations. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—Societal discrimination against ethnic minorities persisted. While there was no officially sanctioned discrimination against the Romani population, prejudice against them was widespread. Local authorities often ignored or tacitly condoned societal intimidation or ill treatment of Roma, many of whom were IDPs from Kosovo. Romani IDPs, who lived in collective centers and scattered settlements throughout the country, often lacked identity documents and access to basic human services (see Section 2.d.).

A sizable percentage of the police force was made up of Bosniaks; many of them were deployed in a predominantly Muslim area in the north commonly referred to as the Sandzak area. Although some Sandzak Muslims—or Bosniaks, as they prefer to be called—complained that the division of the Sandzak region between Montenegro and Serbia created some problems for residents, the majority of Montenegrin Bosniaks supported the Djukanovic government and were integrated into national political parties. There were no Montenegrin Bosniaks represented on the Constitutional Commission drafting the Serbia-Montenegro federal charter (Serbia had two Bosniak Muslim representatives on the committee).

Section 6. Worker Rights

a. The Right of Association.—All workers except military and police personnel have the legal right to join or form unions, and most if not all of the workforce in the official economy was organized. Both official, government-affiliated unions and independent unions existed. Because the independent labor movement largely was fragmented, there were few tangible results in the form of improved working conditions or higher wages. A general lack of resources within the economy also acted as a restraint.

Antiunion discrimination was not a problem.

Unions may affiliate with international labor organizations; however, access to international labor unions was limited.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally centered on advancing the needs of a specific group of workers. Job security fears prevailed as a result of the high unemployment rate, and these fears limited the unions' willingness to take action. Another factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for relatively few existing jobs.

Strikes were frequent during the year, primarily caused by the economic situation, unpaid salaries, manipulation and fraud in the privatization process, and denial of union rights. Workers of Trebjesa brewery from Niksic, whose majority

owner (73 percent of shares) was the Belgian company Interbrew, were on strike from May 20 until October 2. The union's main demand was a salary increase from an average wage of \$400-\$600 (23,518 to 35,278 dinars) per month, and better working conditions. The Montenegrin government did not support the strike, which was resolved following intensive negotiations. Brewery management claimed that the judicial branch failed to respond to its request for intervention when some strikers illegally prevented other workers from coming to work.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, some children worked in the “gray zone” between voluntary and forced labor (see Section 6.d.). There were no reports that such practices occurred systematically.

d. Status of Child Labor Practices and Minimum Age for Employment.—The official minimum age for employment was 16 years, although in farming communities, it was common to find younger children assisting their families. Children also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes or newspapers. The high unemployment rate ensured that there was little demand for child labor in the formal sector.

e. Acceptable Conditions of Work.—The minimum wage was \$50 (2,940 dinars) per month, and large government enterprises, including all of the major banks and industrial and trading companies, generally observed this wage. The minimum wage was comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage was approximately \$212 (12,465 dinars) per month, with a disposable average wage (after social contributions and payroll taxes) of approximately \$108 (6,350 dinars) per month. This amount was insufficient to provide a decent standard of living for a worker and family. The increase in prices occurred much faster than the increase in wages. The change in the cost of living from December 2001 to May 2002 was 7.2 percent, while wages increased by only 3.3 percent in the same period. Since April 2001, nominal wage and price developments have translated into a 13.3 percent fall in real wages. The latest available data suggest that households spent almost all of their resources on basic needs, such as food, clothing, and housing. The official workweek was 40 hours.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, workers were not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The Montenegrin Criminal Code was amended in July to make trafficking in persons a crime; however, trafficking was a growing problem. There were reports that some members of the Montenegrin authorities facilitated trafficking.

Authorities made a number of arrests and interceptions of traffickers during the year. On November 30, Montenegrin Police arrested Deputy State Prosecutor Zoran Piperovic on suspicion of involvement in trafficking in persons and prostitution. Minister of Interior Andrija Jovicevic said that reported Piperovic was directly involved in the purchase, sale, rape and torture of a Moldovan victim, identified by the initials S.C. Piperovic remained in prison at year's end. On November 25, police arrested Irfan Kurpejevic and Ekrem Jasavic on charges of trafficking and forced prostitution of the same victim, S.C. On December 1, Bajram Orahovac was arrested on the same charges. The Ministry announced that the arrests were made in connection with an international ring of human trafficking and forced prostitution, the destination of which was Montenegro. The list of clients might include other high-ranking politicians and public figures. At year's end, no list of government officials had been produced by the courts, prosecutors or police. Prime Minister-designate Djukanovic removed Jovicevic for authorizing the arrest of Piperovic without prior consultation, provoking a government crisis and sparking rumors of a government cover-up. Djukanovic has pledged to pursue the case “to the end”; however, little progress had been made by year's end.

The country primarily was a transit point for trafficked women and children; to a more limited extent, it was a destination, with brothels and nude dancing venues located on the outskirts of cities and along major transportation routes. Women were trafficked from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continued to Italy and other western European countries. Trafficking steadily has increased since the 1999 NATO campaign; however, precise figures on the number of women and children trafficked through Montenegro were not available.

Trafficked women often responded to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may have been aware that they were going to work in the sex industry, they often were unaware of the slavery-like conditions they might face. Many women were sold several times in different countries to different nightclub owners. Their passports often were confiscated. Women have reported being beaten and raped by their traffickers. There have been allegations, denied by the Montenegrin government, that some Montenegrin authorities have colluded in trafficking by taking bribes.

Since 2001 a National Coordinator appointed by the Interior Ministry has chaired an anti-trafficking board composed of relevant government ministries, social services, international organizations, and NGOs. A law enforcement task force was developed that investigated and prosecuted trafficking cases. Under the board's direction, a shelter for trafficking victims and a 24-hour hotline were established in Podgorica. The Interior Ministry reported that the shelter has housed approximately 45 women since it opened in 2001. In October 2001, the Interior Ministry signed a memorandum of understanding with two local NGOs determining procedures for protecting possible trafficking victims; this distinguished possible victims of trafficking from prostitutes and illegal migrants and referred possible victims to appropriate social services. However, in some cases potential victims were still being detained, fined and deported for illegal border crossing and prostitution. The Government, as a rule, repatriated victims; a number of international donors have funded repatriation through IOM. The Federal and Serbian governments provided in-kind support to NGOs and other international organizations in the form of shelter and school space, shelter security, and public television and radio time. International organizations sponsored police training in methods of dealing with human trafficking. General awareness of the problem has improved following internationally sponsored public awareness campaigns conducted throughout the country, but action has been slow.